

THE
WAR OF THE REBELLION:

A COMPILATION OF THE
OFFICIAL RECORDS

OF THE
5800
UNION AND CONFEDERATE ARMIES.

PUBLISHED UNDER THE DIRECTION OF
The Hon. ELIHU ROOT, Secretary of War,
BY
BRIG. GEN. FRED C. AINSWORTH,
CHIEF OF THE RECORD AND PENSION OFFICE, WAR DEPARTMENT,
AND
MR. JOSEPH W. KIRKLEY.

SERIES III—VOLUME IV.

WASHINGTON:
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ADDITIONS AND CORRECTIONS
TO

SERIES III—VOLUME IV.

(To be inserted in the volume. For explanation see General
Index volume, Serial No. 130, page XXVIII.)

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MR. JOHN S. MOONEY, Indexer.

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TEXT.

Page 243. Halleck to Heintzelman, first line, for *General* read *Govern*.

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P R E F A C E .

The work of preparing the records of the war for public use was begun, under the resolution of Congress of May 19, 1864, by Col. E. D. Townsend, assistant adjutant-general, U. S. Army (then in charge of the Adjutant-General's Office, and subsequently the Adjutant-General), who caused copies to be made of reports of battles on file in his office and steps to be taken to collect missing records.

Under the provisions of joint resolution of July 27, 1866, Hon. Peter H. Watson was appointed to supervise the preparation of the records and to formulate a plan for their publication, but he performed no service under this appointment, which expired July 27, 1868, by limitation. This resolution having also repealed the former one, the project was suspended for the time being.

The first decisive step taken was the act of June 23, 1874, providing the necessary means "to enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies," and directing him "to have copied for the Public Printer all reports, letters, telegrams, and general orders, not heretofore copied or printed, and properly arranged in chronological order." Appropriations have been made from time to time for continuing such preparation. Under this act the preliminary work was resumed by General Townsend.

Subsequently, under meager appropriations, it was prosecuted in a somewhat desultory manner by various subordinates of the War Department until December 14, 1877, when the Secretary of War, perceiving that the undertaking needed the undivided attention of a single head, detailed Capt. Robert N. Scott, Third U. S. Artillery (subsequently major and lieutenant-colonel same regiment), to take charge of the office.

The act of June 23, 1874, enlarged upon the first scheme of publication. On this more comprehensive basis it was determined that the volumes should include not only the battle reports, correspondence, etc., in possession of the War Department, but also "all official documents that can be obtained by the compiler, and that appear to be of any historical value." Colonel Scott systematized the work, and, upon his recommendation, the Secretary of War approved the following order of publication:

The first series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, etc., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to state or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of this War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

*All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six, and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thence from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

Colonel Scott died March 5, 1887. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, Twenty-third U. S. Infantry, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge-advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

July 1, 1895, by direction of the Secretary of War, Maj. George W. Davis, Eleventh U. S. Infantry (subsequently lieutenant-colonel Fourteenth U. S. Infantry), relieved Maj. George B. Davis as the military member and president of the Board of Publication. Subsequently Col. Fred C. Almsworth, Chief of the Record and Pension Office, War Department, was appointed the military member and president of the board, relieving Lieut. Col. George W. Davis June 1, 1898.

December 1, 1898, under the provision of the sundry civil act of July 1, 1898, relative to the War Records Office, the Board of Publication was dissolved, whereupon, by direction of the Secretary of War, the continuance of the work, beginning with Vol. VI, Series II, devolved on Colonel (now Brigadier-General) Almsworth.

By operation of law (contained in "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900," approved February 24, 1899), the War Records Office was merged into the Record and Pension Office, July 1, 1899, and since that date the work of publication has been conducted under the supervision of the chief of that office.

Each volume includes a copious index, and for the further convenience of investigators there will be, in addition, a separate general index to the entire set.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the compiler's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and, wherever deemed necessary, to add a foot-note of explanation.

SERIES III.—VOL. IV.

CORRESPONDENCE, ORDERS, REPORTS, AND RETURNS OF THE UNION AUTHORITIES FROM JANUARY 1, 1864, TO APRIL 30, 1865.*

*Exhibit showing the quotas and the number of troops furnished by the State of
Delaware to include December 31, 1863.*

THREE-YEARS.	
Due:	
Quota under calls 1861.....	9, 145
Quota under call July 2, 1862.....	1, 720
	4, 865
Furnished:	
Under calls of 1861—	
2 regiments of infantry.....	1, 703
Under call of July 2, 1862—	
2 regiments of infantry.....	1, 689
1st Regiment of Cavalry.....	958
1st Battery of Artillery (light).....	146
1st Battery of Artillery (heavy).....	152
Recruits for all arms up to date.....	202
Colored troops from First District.....	304
Deficiency.....	181
	4, 865

NINE-MONTHS.	
Due:	
Quota under call 300,000 militia.....	1, 720
Excess.....	70
	1, 790
Furnished.....	1, 790

The above statement is made from the muster-rolls on file in this office up to date.

[THREE-YEARS.]	
1861:	
1st Regiment Infantry.....	920
2d Regiment Infantry.....	848
1862:	
3d Regiment Infantry.....	785
4th Regiment Infantry.....	884
1st Regiment Cavalry.....	958
1st Battery Artillery (light).....	146
1st Battery Artillery (heavy).....	152
Total.....	4, 088

* For all documents relating to the organization of troops on the Pacific Coast, &c., see Series I, Vol. L.

CORRESPONDENCE, ETC.

[NINE-MONTHS.]

5th Regiment Infantry	912
6th Regiment Infantry	887
Total	1,799

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
January 1, 1864.

FRANKFORT, January 1, 1864.

Hon. E. M. STANTON:

The act raising 20,000 for Kentucky defense reserved to the President alone the power to remove them beyond Kentucky. You will remember the agreement that the regiments, then nearly filled, to the number of 7,500, were to be mounted, and with them and the State militia, I understood, to defend the State against guerrilla and other raids, and give up all other recruiting to fill the old regiments with three-years' men and such three-years' regiments as might be authorized. If these troops are taken from Kentucky we will be defenseless. If to be done I wish to know it, that I may prepare other means of defense and not rely on the act of Congress.

THOS. E. BRAMLETTE,
Governor of Kentucky.

SPECIAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 1. } Washington, January 2, 1864.

42. Brig. Gen. Konner Garrard, U. S. Volunteers, is hereby assigned to the charge of the Cavalry Bureau of the War Department, and will relieve Major-General Stoneman therein forthwith. Brigadier-General Garrard will also assume the direct command of the Cavalry Depot at Giesborough Point.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 2. } Washington, January 2, 1864.

The percentage of men allowed to be absent at one time under the authority given in General Orders, No. 391, of 1863, to grant furloughs to enlisted men in hospitals, is changed from 5 to 20 per cent.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Exhibit in answer to certain questions embraced in a letter from the Military Committee, House of Representatives, of date December 23, 1863.

I. Number of men called for, draft of 1862, as per General Orders, No. 94, 300,000
War Department, 1862.

UNION AUTHORITIES.

3

Received under said call by draft and sent to the field with regimental organizations.....	66,898
Received and sent to field, singly and by squads, for old regiments.....	4,000
Total.....	70,898

(This number (70,898) of nine-months' men is equivalent to 17,724 for three years; four nine-months' men being considered equivalent to one three-years'.)

Received by volunteering..... None

(NOTE.—All volunteers received after July 2, 1862, were obtained under call of that date for 300,000 volunteers.)

The levies raised under the call were mustered into the U. S. service from the following enumerated States, as per the dates set opposite the States, respectively:

Maine.....	Oct. 14, 1862	New York.....	Jan. 22, 1863
New Hampshire.....	Oct. 23, 1862	New Jersey.....	Sept. 11, 1862
Vermont.....	Oct. 23, 1862	Pennsylvania.....	Jan. 8, 1863
Massachusetts.....	Nov. 19, 1862	Wisconsin.....	Dec. 30, 1862
Rhode Island.....	Oct. 13, 1862	Kentucky.....	May 28, 1863
Connecticut.....	Nov. 18, 1862		

The foregoing States sent their drafted men to the field with regimental organizations. Ohio, Wisconsin, and one or two other States sent the approximate number (4,000) to old regiments in the field, singly and by squads. The muster in of this number was complete by January 30, 1863. The remaining States furnished no drafted men under the call in question. Troops furnished by them were supplied under the calls of 1861 and 1862 for volunteers.

II. Since June 30, 1863, the date on which orders to the respective States for the present draft commenced to be issued, 86,056 volunteers have been mustered into the U. S. service. This number will be increased when full returns are received. From January 1, 1863, to June 30—a like period previous to ordering the draft—31,399 volunteers were mustered in. The increase is, therefore, 54,657.

States.	From Jan- uary 1 to June 30, 1863.	From June 30 to Dec. 31, 1863.	Difference.
Connecticut.....	228	1,400	+1,202
Illinois.....	2,396	1,020	-1,775
Indiana.....	1,913	10,125	+9,082
Iowa.....	2,089	4,894	+2,085
Kansas.....	145	1,473	+1,128
Kentucky.....	1,700	1,450	-257
Maine.....	270	2,851	+2,572
Maryland.....	443	1,672	+1,129
Massachusetts.....	0,972	4,382	+3,410
Michigan.....	4,000	4,760	+760
Minnesota.....	66	746	+680
Missouri.....	3,332	8,324	+4,972
New York.....	5,609	13,224	+7,615
New Jersey.....	131	6,040	+5,909
New Hampshire.....	105	2,240	+2,135
Ohio.....	2,213	9,638	+7,425
Pennsylvania.....	1,687	3,820	+2,133
Rhode Island.....	553	1,881	+1,328
Vermont.....	00	2,113	+2,047
West Virginia.....	430	1,214	+774
Wisconsin.....	240	1,870	+1,630
Delaware.....	00	270	+270
Total.....	31,399	86,056	+54,657

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPT., ADJUTANT-GENERAL'S OFFICE, January 2, 1864.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 9. } Washington, January 4, 1864.

The hospital and ambulance flags of the Army are established as follows:

For general hospitals, yellow bunting nine by five feet, with the letter H, twenty-four inches long, of green bunting, in center.

For post and field hospitals, yellow bunting six by four feet, with the letter H, twenty-four inches long, of green bunting, in center.

For ambulances and guidons to mark the way to field hospitals yellow bunting fourteen by twenty-eight inches, with a border, one inch deep, of green.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 4, 1864.

GEORGE BLISS, Jr., Esq.,
No. 50 Wall Street, New York:

SIR: In reply to your letter of the 31st ultimo, stating that the Twentieth Regiment U. S. Colored Troops is recruited nearly to the maximum and requesting that the Union League Club be authorized to raise another colored regiment, I am directed by the Secretary of War to say that your request is hereby complied with, and the regiment will be known and designated as the Twenty-sixth Regiment U. S. Colored Troops.

The instructions contained in Department letter of December 2, 1863, addressed to you, will govern in the organization of this regiment.*

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General.

JANUARY 5, 1864.

Gentlemen of the Senate and House of Representatives:

By a joint resolution of your honorable bodies, approved December 23, 1863, the paying of bounties to veteran volunteers, as now practiced by the War Department, is, to the extent of \$300 in each case prohibited after this 5th day of the present month. I transmit to your consideration a communication from the Secretary of War, accompanied by one from the Provost-Marshal-General to him, both relating to the subject above mentioned. I earnestly recommend that the law be so modified as to allow bounties to be paid, as they now are, at least until the ensuing 1st day of February.

I am not without anxiety lest I appear to be importunate in thus recalling your attention to a subject upon which you have so recently acted; and nothing but a deep conviction that the public interest demands it could induce me to incur the hazard of being misunderstood on this point. The Executive approval was given by me to the resolution mentioned; and it is now by a closer attention and a fuller knowledge of facts that I feel constrained to recommend a reconsideration of the subject.

ABRAHAM LINCOLN.

* See Vol. III, this series, p. 1117.

[Inclosure.]

WAR DEPARTMENT,
Washington City, January 4, 1864.

To His Excellency the President of the United States:

MR. PRESIDENT: I beg to submit to your consideration the accompanying letter of the Provost-Marshal-General in respect to the provision of the joint resolution of Congress of December 23, 1863, relating to the payment of bounties. No one seems to doubt the necessity of increasing the military force for the speedy termination of the rebellion; and although much difference of opinion exists in respect to the merits of the system of raising troops by volunteers, and the payment of bounties, and the system of raising an adequate force by draft, yet two things are certain—

First. That, whatever may be the weight of argument or the influence of individual opinion, a large portion of the people in every State prefer the method of contributing their proportion of the military force by bounty to volunteers rather than by draft.

Second. That veteran soldiers who have become innured to service, even when paid bounty, constitute a cheaper force than raw recruits or drafted men without bounty.

The information received by this Department from the armies in the field prior to the passage of the resolution referred to indicated that a very large proportion of the forces now in service would have cheerfully re-enlisted for three years under the terms authorized by the order of this Department, and that such enlistments have been checked, and will, in great measure, be put an end to by the restriction imposed by the action of Congress. It is believed that if any limitation should be imposed upon the payment of bounties to encourage the enlistment of the veteran forces now in the field, it ought not to be sooner than the 1st of February. It is respectfully submitted to your consideration, therefore, whether the attention of Congress might not again well be called to the subject, so that the restriction may be reconsidered.

I have the honor to be, very respectfully, your obedient servant,
EDWIN M. STANTON,
Secretary of War.

[Sub-enclosure.]

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 2, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: After great labor the volunteer recruiting service under the President's call of October 17 is fairly in progress. Letters, all dated between the 20th and 24th of December, from the superintendents of recruiting service in sixteen States are, in the main, very encouraging as to the prospect of getting a large number of recruits by volunteer enlistments. Several of the States were in a fair way to raise the quotas assigned them. The act approved December 23, 1863, forbidding, after January 5, the payment to volunteers of all bounties except \$100, authorized by the act of 1861, was not known at the time these favorable reports were made to me. I have no doubt the effect of that act will be to check, if it does not stop, enlistments. Of the \$100 bounty provided by act of 1861, but \$25 can be paid in advance, \$75 being due only after two years' service.

It took some time after October 17 to get the people aroused to the subject of volunteering; they are now in most States earnestly engaged

CORRESPONDENCE, ETC.

in it, and I have reports for October, November, and December, showing that 42,529 men have been enlisted, and the number of enlistments is increasing. Under these circumstances fully suggest the propriety of a reconsideration of the bounties after January 5. I inclose herewith a copy of you of the 25th of December in relation to the subject bounties.*

I am, sir, very respectfully, your obedient servant

JAMES

Provost-Mars

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S
No. 2. } *Washington, Janu*

For the information and guidance of all concerned explanation of the disposition of the muster-in rolls of tionally mustered into service by request of the Go States, under General Orders, No. 75, War Department is published:

These rolls are considered merely a memorandum of the mustering officer, as the regiment to which the attached is not designated, and the officer cannot be assigned to a regiment. The roll is therefore useless this office, but should be retained for the guidance of officer in future musters.

E. D. TOWN

Assistant Adjul

WAR DEPARTMENT, ADJUTANT-GENERAL'S
Washington, Janu

[TO ALL CHIEF MUSTERING OFFICERS:]

SIR: I am directed to instruct you to order all the reg under your command to pay all men whom they enlist lar Army \$25 bounty and \$2 premium immediately on c

You will also instruct them, in all cases where the pr of the district in which they are recruiting notify them men who desire to enlist into the Regular Army, to pr offices and make out and complete their papers, but th of men from the volunteer service into the Regular A have been definitely enlisted into the volunteer servi to law.

I am, sir, very respectfully, your obedient servant

E. D. TOWN

Assistant Adjul

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S
No. 1. } *Washington, Janu*

Paragraph 85 of the Regulations for the Government of the Provost-Marshal-General of the United States, No. 100, of November 9, 1863, are amended to read as f

85. The following diseases and infirmities are those which dis tary service, and for which only drafted men are to be "rejected mentally unfit for the service," viz:

1. Manifest mental imbecility.

* See Vol. III, this series, p. 1192.

insanity. This includes well-established recent insanity, with liability to recurrence.

3. Epilepsy. For this disability the statement of the drafted man is insufficient, and the fact must be established by the duly attested affidavit of a physician in good standing, who has attended him in the disease within the six months immediately preceding his examination by the Board; and, in addition thereto, other evidence as the Board may require.

4. Paralysis, general or of one limb, or chorea; their existence to be adequately ascertained. Decided atrophy of a limb.

5. Organic diseases of internal organs, which have so seriously impaired his general health as to leave no doubt of his incapacity for military service, and which prevents his pursuing any equally laborious occupation in civil life.

6. Developed tuberculosis.

7. Cancer; aneurism of the large arteries.

8. Inextinguishable and extensive disease of the skin, such as will necessarily impair his efficiency as a soldier.

9. Permanent physical debility of such degree as to leave no doubt of the man's unfitness for military service.

10. Scrophula or secondary syphilis, which has so seriously impaired his general health as to leave no doubt of the man's incapacity for military service.

11. Chronic rheumatism, unless manifested by positive change of structure, wasting of the affected limb, or pallor or distortion of the joints, does not exempt. Impaired motion of the joints and contraction of the limbs alleged to arise from rheumatism, and in which the nutrition of the limb is not manifestly impaired, are to be proved by examination while in a state of anæsthesia induced by ether only.

12. Total loss of sight of right eye; cataract of right eye; loss of crystalline lens of right eye.

13. Partial loss of sight of both eyes, vision being so greatly impaired as to leave no doubt of the man's inability to perform military duty. Serious permanent diseases of the eye or eyelids, so manifestly affecting the use of the eyes as to leave no doubt of the man's incapacity for military service. Nearsightedness does not exempt.

14. Total loss of nose; deformity of nose so great as seriously to obstruct respiration; eczema, dependent on caries in progress.

15. Decided deafness. This disability must not be admitted on the mere statement of the drafted man, but must be proved by the existence of positive disease, or by other satisfactory evidence; and it must be so decided as to leave no doubt of the man's unfitness for military service. Chronic purulent otorrhea.

16. Incurable diseases or deformities of either jaw, such as will necessarily greatly impede mastication or speech. Ankylosis of the lower jaw; caries of the bones of the face, if in progress; cleft palate (bony); extensive loss of substance of the cheeks, or salivary fistula.

17. Dumbness; permanent loss of voice; not to be admitted without clear and satisfactory proof.

18. Total loss of tongue; hypertrophy, atrophy, mutilation, or obstinate chronic ulceration of the tongue, if sufficient in degree to interfere seriously with the use of the organ.

19. Stammering, if excessive and confirmed; to be established by satisfactory evidence under oath.

20. Total loss of all the front teeth, the eyeteeth, and first molars, even if only of one jaw.

21. Tumors or wounds of the neck, impeding respiration or deglutition; fistula of larynx or trachea; torticollis, if of long standing and well marked.

22. Excessive deformity of the chest, or excessive curvature of the spine, sufficient to prevent the carrying of arms and military equipments; caries of the spine, ribs, or sternum, attended with necrosis.

23. Hernia.

24. Artificial anus; stricture of the rectum; prolapsus ani. Fistula in ano, if extensive or complicated with visceral disease.

25. Old and ulcerated internal hemorrhoids, if in degree sufficient to leave no doubt of the man's unfitness for military service. External hemorrhoids are no cause for exemption.

26. Total loss or nearly total loss of penis; epispadias or hypospadias at the middle or near the root of the penis.

27. Incurable permanent organic stricture of the urethra, in which the urine is passed drop by drop, or which is complicated by disease of the bladder; urinary fistula. Recent or spasmodic stricture of the urethra does not exempt.

28. Incontinence of urine is not, of itself, a cause for exemption. Stone in the bladder, ascertained by the introduction of the metallic catheter, is a positive disqualification.

29. Confirmed or malignant sarcocele; hydrocele, if complicated with organic disease of the testicle. Varicocele is not in itself disqualifying.

30. Loss of a hand or foot.

31. Wounds which would manifestly incapacitate the man for military service; muscular or cutaneous contractions from wounds or burns, or tumors, which would prevent marching, or otherwise manifestly incapacitate the man for military service.

32. Fractures, irreducible dislocations or ankylosis of the large joints, or chronic diseases of the joints or bones, that would prevent marching, or otherwise unfit the man for military service.

33. Total loss of right thumb; loss of ungual phalanx of right thumb; total loss of any two fingers of same hand; loss of the first and second phalanges of the fingers of right hand. Permanent extension or permanent contraction of two fingers of right hand; all the fingers adherent or united.

34. Club feet; total loss of a great toe. Other permanent defects or deformities of the feet, such as will necessarily prevent marching.

35. Varicose veins of inferior extremities, if large and numerous, and accompanied with chronic swellings or ulcerations.

36. Chronic ulcers; extensive, deep, and adherent cicatrices of lower extremities.

Surgeons of boards of enrollment, in reporting "the statistics of the causes of exemption on account of physical disability," will hereafter, in addition to the alphabetical list of disabilities required by Circular No. 90, from this office, report the number rejected under each paragraph of the above list of disqualifying infirmities, and also the number for each distinct infirmity in the different paragraphs.

JAMES B. FRY,
Provost-Marshal-General.

INDIANAPOLIS, January 5, 1864.

HEN. E. M. STANTON,
Secretary of War:

Recruiting for the old regiments is going on better than at any former time. Must it stop to-day?

O. P. MORTON.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 5, 1864.

ADJUTANT-GENERAL OF IOWA,
Davenport, Iowa:

SIR: I have the honor to inclose herewith a memoranda in reference to the quotas of 1861, in answer to a portion of your letter of October 17, 1863, in which you ask information concerning those for the State of Iowa. The answer is the same as given to the other States where like information was asked for by them. Your letter of October 17 was received here during my absence from the Department; in consequence it was not until a day or two since that my attention was directed to your particular inquiry about the quotas. Therefore the delay in answering.

I have the honor to remain, your obedient servant,
THOMAS M. VINCENT,
Assistant Adjutant-General.

[Inclosure.]

MEMORANDA.—In organizing troops in 1861, after the call of May 2, no formal assignments of quotas to States were made, and there

was no fixed system in calling out troops. As circumstances demanded, requisitions were made upon the Governors. In many cases troops were tendered by the Governors, and accepted by the United States, without calls being made.

Authorizations to individuals and independent acceptances were given, and many troops were brought into service in this way without said authorization passing through the State authorities.

This system of independent organizations terminated by General Orders, No. 18, of 1862, from this office.

As a result of this want of a general system in the calling out of troops during the first year of the war, it was found necessary, before fixing the quotas under the calls of 1862, to determine the quotas of the respective States for 1861.

This was done by considering the number of men the States had in the field. This number, from the States that were to have additional quotas assigned, was 548,184, the quota of which for Iowa was 19,816.

THOMAS M. VINCENT,

Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

Washington, January 6, 1864.

SUPTS. OF VOLUNTEER RECRUITING SERVICE LOYAL STATES:

Recruits will be credited to the localities from which they received local bounties, provided the muster-in rolls show them enlisted and mustered in as of the said localities. The muster-in rolls must show the facts of the case, and will be the evidence for awarding the credits. Veterans in service re-enlisting will be credited to the localities to which the re-enlistments and muster-in rolls show them as belonging. Therefore, until veterans have been remustered, it cannot be determined to what particular locality they will be credited. The foregoing is in answer to many inquiries received by the Department.

Furnish the Governor with a copy of this.

JAS. B. FRY,

Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

Washington, D. C., January 6, 1864.

Lieut. Col. JAMES OAKES,

Acting Assistant Provost-Marshal-General, Springfield, Ill.

Try and correct the misapprehension arising from General Fuller's speech and try and keep up the recruiting spirit. Many men are wanted from the State. Congress will, in all probability, allow large bounties to continue for a month or so longer.

JAMES B. FRY,

Provost-Marshal-General.

BOSTON, *January 6, 1864.*

Hon. E. M. STANTON,

Secretary of War.

President Lincoln's message and your letter on recruiting eminent right. Work going on bravely in Massachusetts. We want three

days and a free chance. Many towns and cities are succeeding. Worcester City reports quota full, and will raise more, to be on future calls. Springfield nearly full; so Northampton small towns full.

JOHN A. ANDRE
(to)

WASHINGTON CITY, *Wednesday, January 1*

Hon. E. M. STANTON,
Secretary of War:

MY DEAR SIR: Colonel Bliss' letter to you, which I incline to regard of some importance to the public interest. I hope it may be deemed an authorization to raise in the State of New York the Twentieth Regiment U. S. Colored Troops. Soon afterward, by order, a number of colored men, recruited in the State prior to that time, were accepted into the regiment. I have now the honor to report that the regiment is substantially filled to the maximum of 1,000 men, 700 having been enlisted in a month.

Truly, yours,

E. D. MOI

[Inclosure.]

HQRS. TWENTIETH REGIMENT U. S. COLORED TROOP;
No. 350 Fourth Street, New York, January 4

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: On December 3, 1863, you were pleased to grant to me an authorization to raise in the State of New York the Twentieth Regiment U. S. Colored Troops. Soon afterward, by order, a number of colored men, recruited in the State prior to that time, were accepted into the regiment. I have now the honor to report that the regiment is substantially filled to the maximum of 1,000 men, 700 having been enlisted in a month.

Every officer in the regiment has been selected from the best of the field, and we hazard nothing in saying that the regiment is the best officered regiment that ever left the State of New York. The men are physically equal to any, and manifest great intelligence in learning their duties. We desire that the regiment be allowed to remain here twenty or thirty days to perfect it in drill, and then it leaves it may land in the upper part of New York City and down Broadway. We believe it will then be not only the best but the best drilled volunteer regiment that ever left the State.

The inclosed circular will show the interest taken in the regiment by prominent persons in New York.

I have been directed to request that you will issue an order that the regiment be armed with Springfield muskets of the pattern of 1862. Besides adding much to the efficiency of the regiment, we believe it is good policy to show the colored men of the North that the Government puts into their hands the best of arms.

I have the honor to be, very respectfully, your obedient servant
GEO. BLISS

[Sub-inclosure.]

You are respectfully invited to attend a meeting of ladies of the Union League Club House on Tuesday, January 5, at 2 p. m. for the purpose of appointing a committee to procure a stand of colors for presentation to the Twentieth Regiment U. S. Colored Troop.

regiment is raised by special authority of the War Department, under the patronage of our friends of the Union League Club: Mrs. Charles King, Mrs. Henry Van Rensselaer, Mrs. Samuel Wetmore, Mrs. George B. De Forest, Mrs. John Jay, Mrs. U. A. Murdock, Mrs. Richard M. Hunt, Mrs. J. J. Astor, Mrs. D'Oremieux, Mrs. Samuel Bridgham, Mrs. William Dodge, jr., Mrs. Jackson S. Shultz, Mrs. Frank E. How, Mrs. George Bliss, jr., Mrs. L. G. B. Cannon.

GENERAL ORDERS, }
No. 6. }

HQRS. DEPARTMENT OF THE OHIO,
Knoxville, Tenn., January 6, 1864.

All able-bodied colored men between the ages of eighteen and forty-five within our lines, except those employed in the several staff departments, officers' servants, and those servants of loyal citizens who prefer remaining with their masters, will be sent forthwith to Knoxville, Loudon, or Kingston, Tenn., to be enrolled, under the direction of Brig. Gen. Davis Tiltson, chief of artillery, with a view to the formation of a regiment of artillery, to be composed of troops of African descent. The commanding officers of divisions and posts are charged with the execution of this order.

By command of Major-General Foster:

HENRY CURTIS, JR.,
Assistant Adjutant-General.

DEPARTMENT OF STATE,
Washington, D. C., January 6, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I have the honor to transmit herewith for your information a copy of a dispatch, No. 136, received from the U. S. consul at Quebec, suggesting the expediency of vigilance upon our northern frontier to prevent threatened raids by desperate individuals in the interest of the rebels.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

[Inclosure.]

CONSULATE OF THE UNITED STATES,
Quebec, December 28, 1863.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington:

SIR: I have the honor under this date in my correspondence with your Department most respectfully to recommend that the utmost vigilance and extended precaution be enjoined upon all the authorities in the various departments upon our borders adjacent to the provinces of Lower Canada, New Brunswick, and Nova Scotia, to prevent the consummation of contemplated deeds of reckless wickedness. I am strengthened in this belief by the reception of letters here by rebel sympathizers from the desperate characters that have recently passed through here and are now congregated at Halifax and other points in the lower provinces. They have been disappointed in not finding their means of conveyance into the southern part of the

United States as clear as they anticipated, and their restless natures, angered into desperation, are ripe for any scheme of iniquity.

I am, sir, your obedient servant,

CHARLES S. OGDEN,
U. S. Consul.

[Indorsement.]

WAR DEPARTMENT,
January 8, 1864.

Respectfully furnished for the information of the General-in-Chief.
By order of Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 3. } Washington, January 7, 1864.

The following opinion of Hon. William Whiting, Solicitor of the War Department, is published for the information and guidance of all concerned:

Opinion.—The chief objects of the act of 1863, chapter 75, entitled "An act for enrolling and calling out the forces of the United States, and for other purposes," were to provide for enrolling the forces of the United States in order to ascertain the number of able-bodied soldiers between the ages of twenty and forty-five years who might be called upon for military duty, to divide them into classes, and to call out from time to time such proportion of these troops as the emergencies of the service should require. The design of Congress, as expressed in the clause to which you have directed my attention (the last clause in the twelfth section) was to equalize the burden of furnishing soldiers, as far as possible, among the several loyal States and among the districts of each State.

To attain this result the statute directs the President "to take into consideration the number of volunteers and militia furnished by and from the several States and the period of their service since the commencement of the present rebellion."

It is obvious that the number of men and the periods of their respective services must both be taken as elements of calculation in order to ascertain the total amount of service performed by the soldiers of a given State; and that the total amount of service thus ascertained in each State would give the total amount in the aggregate of all the service performed in all the States.

To ascertain the amount of service which either one of the States would have rendered if it had borne its just share, or, in other words, what part of such aggregate service was justly due from each State, it became necessary to compare the population by the late census of each State with the aggregate population of all the States enrolled. It was obvious that each State should contribute in proportion to the number of its inhabitants, inasmuch as there was no other safe basis for estimating the respective numbers of their citizens capable of performing military duty. This was the plan proscribed by the statute of July 22, 1861, chapter 9, section 1, for the apportionment of volunteers among the several States.

The proportion of troops due from each State was to that obtained from all the States as the number of inhabitants of that State was to the aggregate number of inhabitants of all the States. The solution of this formulary gave for each State the number of troops required in order to make up its equal and just share. If the number of troops fell short of this required proportion, that deficit should be charged; if the number exceeded, it should be credited to the State in question on the account of the draft under the enrollment act.

When the enrollment has been completed a new and more satisfactory basis is established for distributing the burden of the draft. Having ascertained the number of persons actually enrolled in the several States, the number of troops to be drawn from each State will be calculated as follows:

As the total number enrolled in all the States is to the number enrolled in a particular State, so the total number to be drafted is to the number to be drafted in a particular State.

The number to be drafted, thus ascertained, should be charged to the particular State, and then the amount due to, or due from, that State on the account of former service should be added to or subtracted from that number. The balance is that which is due from the State in question, and when balances are thus made up for all the States the amount of service will be equally distributed according to law.

The statute also requires that the enrollment districts into which the States are to be divided should be equalized among themselves. This may be effected upon the same principles as above stated. The number of men to be furnished by any one district bears the same proportion to the number to be furnished by the State, as the number of men enrolled in that district bears to the whole number enrolled in the State.

The only means provided by the statute to enable the President to equalize the draft among the several districts is by reference to the numbers therein respectively enrolled. There being no census of Federal population for either of these districts or sub-districts, and no authority given to the President to take a census thereof, it is obviously the intent of Congress that the enrollment itself should be the basis for equalizing the draft among districts. The statute of 1863 prescribes no particular mode of equalizing the numbers of troops among the several States, and though the President is therefore left to his own discretion as to the mode of carrying the law into effect, yet he is certainly justified in taking the same mode of equalizing the draft among the States as is prescribed for equalizing it among the several districts; and whatever mode he adopts by which the law is carried into effect, his decision is final as to the assignment of quotas.

A difficulty arose in the practical administration of this statute from the circumstance that troops were required for service before the enrollment could be completed in all the States, and it was impossible for them to ascertain definitely the exact quota of each State and district prior to the completion of the enrollment. To obviate this difficulty, and to avoid the danger of having the Army depleted while in the presence of the enemy, it was deemed proper to divide the first draft into two parts, or to call out only a portion of the first draft, with a view of completing the equalization of the draft as a whole, after the enrollment should have been completed. The second part of the first draft, therefore, yet remains to be completed, and it becomes necessary, therefore, to give each State credit in the above-mentioned account for all troops furnished under the first part of the aforesaid draft, and the balance of the first draft will be all that will now be due on that draft from each State respectively.

After the first section of the draft was drawn, and before the quotas for the last section thereof can be assigned, a new element has been introduced which must now be taken into account. The Government has authorized volunteers to be enrolled who have received bounties and who are to be credited to the States as part of their respective quotas in the same manner as though such volunteers had been furnished under the draft.

By observing these principles and methods of calculation the requisitions of the law in ascertaining the quotas of each State will, I think, be substantially complied with.

I subjoin a tabular form of making out the account of each State for more convenient reference.

WILLIAM WHITING,
Solicitor of the War Department.

Name of the State.

Dr.	1.	Amount of service to equalize the accounts between the States or Cr. prior to March 3, 1863, taking into view the number of men, period of service, and population of State as compared with all the States to be enrolled	
Dr.	2.	Amount of service due from said State as estimated as for the entire draft	
	3.	Amount of service received from the first section of the draft from said State	Cr.
	4.	Amount of service of volunteers under the President's last call	Cr.

The balance will show the amount of service due on the second part of the draft which the President should assign as a quota now to be drawn for.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, January 7, 1864.

Maj. Gen. A. E. BURNSIDE, U. S. Volunteers:

GENERAL: You are hereby assigned to duty by the Secretary of War to recruit and fill up the old regiments of the Ninth Army Corps, and to increase said corps to a strength of 50,000 men, for such service as the War Department may specially designate. The following instructions will be observed, viz:

First. The recruitment will be conducted in the New England States and New York; also in Michigan and Pennsylvania, so far as the regiments from those States in the Ninth Corps are concerned. The term of enlistment will be for three years or the war.

Second. The old regiments of the corps must first be recruited at least to the minimum strength.

Third. When all the old regiments from any of the States designated are filled to the minimum and the fact reported to the Department, new organizations may be undertaken in that State. This, however, will not be done without the special authority of the War Department being first obtained.

Fourth. The regiments that have gone home, or those that shall go after re-enlistment as veterans, are not to be included in this force unless they belong now to the Ninth Corps.

Fifth. The recruitment of the force will be conducted under and in compliance with the established regulations of the Department, copies of which will be furnished you. In filling the old regiments the regimental recruiting details from the old regiments of the corps now in the respective States, and such regimental details as may be made hereafter, will act under your authority. In connection with the regimental details the system of recruitment through district provost-marshals may be employed. When the proper time shall have arrived to begin recruiting for new regiments or organizations the recruitment thereof will be conducted under the provisions of General Orders, No. 75, series of 1862, and No. 365, series of 1863. All appointments of officers for the said organizations will be made by the Governors of the respective States in which the organizations may be recruited.

Sixth. All musters into service of the forces herein authorized will be made by the authorized mustering officers in the respective States and in accordance with the requirements of the mustering regulations.

Seventh. All payments of bounties will be made in accordance with the regulations governing said payments. Veterans, or recruits for veteran regiments, will in all cases receive the highest bounties which may be authorized.

Eighth. Supplies and transportation for the forces in question will be furnished in accordance with existing regulations.

Under this authority you will immediately confer with the Governors of the respective States concerned, and also the superintendent of the volunteer recruiting service therefor, with the view of speedily commencing and progressing in the recruitment herein authorized. Your correspondence on this subject with the War Department will be conducted through the Provost-Marshal-General.

I am, general, &c.,

JAS. B. FRY,
Provost-Marshal-General.

SAINT ALBANS, VT., *January 7, 1864.*
 Hon. E. M. STANTON,
Secretary of War:

It affords me pleasure to inform you that the quota of Vermont under the last call is filled, and we have a surplus of 270. This does not include the re-enlistments of men now in the field.

J. G. SMITH,
Governor.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
 No. 2. } *Washington, January 8, 1864.*

I. Accounts for expenditures connected with recruiting must be kept separate from accounts connected with the enrollment and draft, and must be presented or forwarded for payment to the nearest mustering and disbursing officer, through the superintendent of the volunteer recruiting service of the State or division, except accounts for subsistence, which should be forwarded for payment, through the superintendent, to the nearest disbursing officer of the Commissary Department.

II. When a drafted person is arrested as a deserter by the provost-marshal for having failed to comply with the provisions of section 13, act of March 3, 1863, no reward can be allowed unless the person is held for service. All instructions in conflict with this are hereby revoked.

JAMES B. FRY,
Provost-Marshal-General.

NOTE.—*Amended circular*—The one of the same number previously issued to be destroyed.

HDQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Port Monroe, January 8, 1864.
 Brig. Gen. G. MARSTON,
Commanding, Point Lookout:

GENERAL: The within copy of an order received by me from the President is sent you for your information and guidance.* You will enlist from the rebel prisoners under your command all those who may desire to enlist in the service of the United States either in the Army or Navy, and you will release all such as reside within our lines as in your judgment you may think proper and safe to do so, upon their taking the oath of allegiance and the parole, as prescribed in General Orders, No. 49.†

Respectfully yours,

BENJ. F. BUTLER,
Major-General, Commanding.

INDIANAPOLIS, IND., *January 8, 1864.*
 Hon. E. M. STANTON,
Secretary of War:

The quota of Indiana under the last call was 19,000. reduced by enlistments and credits on former call to

* See Lincoln to Butler, January 2, 1864, Series II, Vol.
 † See Series II, Vol. V, p. 333.

20th of October. Since then we estimate the enlistments in the State for new and old regiments at 13,000 and the enlistment of veterans in the field at 5,000. The reports are not in, but I believe these estimates will be found substantially correct. Nine new regiments have been raised.

O. P. MORTON,
Governor.

GENERAL ORDERS,) QUARTERMASTER-GENERAL'S OFFICE,
No. 2. { *Washington, D. C., January 9, 1864.*

In obedience to the following order* from the Secretary of War the undersigned has returned to Washington and resumed charge of the Bureau of the Quartermaster's Department. All official letters and documents should be addressed to him at this office.

M. C. MEIGS,
Quartermaster-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, January 9, 1864.

Maj. Gen. W. S. HANCOCK, U. S. Volunteers:

GENERAL: You are hereby assigned to duty by the Secretary of War to recruit and fill up the old regiments of the Second Army Corps, and to increase the said corps to a strength of 50,000 men, for such service as the War Department may specially designate. The following instructions will be observed, viz:

1. The recruitment will be conducted in the State of Pennsylvania, and in Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, West Virginia, Ohio, Indiana, Michigan, and Minnesota, so far as the regiments from those States in the Second Corps are concerned. The term of enlistment will be for three years or the war.†

I am, general, &c.,

JAS. B. FRY,
Provost-Marshal-General.

HDQRS. LEFT WING, SIXTEENTH ARMY CORPS,
Pulaski, Tenn., January 9, 1864.

Hon. E. M. STANTON,
Secretary of War:

I respectfully request authority to raise one or more regiments of cavalry from Alabamians. There are large numbers coming to our lines, and a better class of men than has ever come through before, being men who have furnished substitutes upon being drafted for the rebel service. Several of them are anxious to raise a regiment, and I have no doubt [it can] easily be done. I recruited one regiment at Corinth, Miss.—the First Alabama Cavalry, nearly 1,000 strong—and that fact being well known in North Alabama nearly all the refugees from there seek my lines.

* See Stanton to Meigs, December 26, 1863, Vol. III, this series, p. 1193.

† Paragraphs 2, 3, 4, 5, 6, 7, and 8 (here omitted) similar to letter to Major-General Burnside of January 7, 1864, p. 14.

I also desire that authority be given me to appoint the officers, most of which I should select from the old regiments now in the service.

My advance is opposite Decatur and at points on the river easily reached from the Alabama mountains, from which these men seek our lines. We have to feed them, and it is no more than right that they should enter the service. Most of them are anxious to do so, but prefer to go into an organization of their own.

An early response to this would be of great benefit to the service.

I am, very respectfully, your obedient servant,

G. M. DODGE,
Brigadier-General.

WAR DEPARTMENT,
Washington City, January 9, 1864.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.:

SIR: The Secretary of War instructs me to acknowledge the receipt of your letter of the 6th instant, inclosing a copy of a dispatch, No. 136, from the U. S. consul at Quebec, suggesting the expediency of vigilance upon our northern frontiers to prevent raids by desperate individuals in the interest of the rebels, and to inform you that copies of the same have been furnished to the General-in-Chief and Major-General Dix.

I have the honor to be, sir, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 9, 1864.

General FULLER,
Adjutant-General of Illinois, Springfield:

Your dispatch of 8th received.* All matters relating to quotas in case of draft will be considered in time. In the meanwhile can't you restore and keep up the enthusiasm for volunteering so as to keep Illinois more in advance of all calls than any other State?

I fear your speech in Chicago will check recruiting in other parts of the State, unless you can stir the people up again.

JAMES B. FRY,
Provost-Marshal-General.

SPRINGFIELD, ILL., *January 9, 1864.*

Col. J. B. FRY:

Your dispatch of to-day is received. A semi-official dispatch from Washington the day I made my speech in Chicago that the draft would be postponed until the 1st of February had a bad effect upon recruiting. It was this and not my speech, and it was not until the effect of the dispatch was overcome that recruiting revived, and he who reports to you the contrary is either ignorant or malicious. I

* Omitted; see substance of two dispatches embodied in letter of Fuller to Fry, January 10, p. 18.

would under the same circumstances, if possible, have repeated that speech from Chicago to Cairo, and prove by the muster-rolls its favorable effect. I will do all I can to keep Illinois ahead of other States. Our people demand that accounts shall be made up with each county. I have been censured for not doing this, and yet I cannot do it until the two dispatches to Major Vincent of yesterday are answered. God knows I am willing to do everything I can to co-operate with the Federal authorities, but I am not responsible for a policy over which I have no control. I will write you fully to-morrow. In the meantime I beg of you to answer those dispatches that I may make up my accounts with counties, and then we will again go to work if this is done. Recruiting has substantially stopped, for there is now no liberal bounties nor much fear of a draft.

ALLEN C. FULLER.

INDIANAPOLIS, *January 9, 1864.*

Hon. E. M. STANTON:

I have taken the responsibility of directing the recruiting for the old regiments to proceed as before. The recruiting is better than at any former period. If this is wrong, will you not inform me at once?

O. P. MORTON.

(Same to Col. J. B. Fry.)

SPRINGFIELD, ILL., *January 10, 1864.*

Col. JAMES B. FRY,

Provost-Marshal-General, Washington:

COLONEL: On the 8th instant, by direction of Governor Yates, I telegraphed Major Vincent, inquiring—

First. If 145,100 was the total calls made by the General Government upon this State, and if so, whether the State is exempt from a draft, provided it has furnished that number prior to the 6th instant.

Second. Stating the settlement with Missouri and inquiring whether the additional credit due this State of 1,244, according to such settlement, would be passed to the credit of this State by the War Department.

These dispatches were sent for the purpose of obtaining definite information upon which the Governor and myself might act understandingly with reference to future efforts to be made to maintain the reputation of the State in furnishing volunteers to the General Government.

To these dispatches you reply:

First. That "all matters relating to quotas in case of draft will be considered in time," &c., and second, you ask if I can't "restore" and "keep up the enthusiasm of our people," and express the fear that my speech in Chicago will check recruiting in other parts of the State unless I can stir up the people. I answered your dispatch last evening and promised to write you fully to-day, and I trust you will pardon me if I presume upon a long and friendly personal acquaintance with your father, and write you frankly of matters necessarily unknown to your department and its representatives on duty here. I assume you have official evidence upon which the fear mentioned in your dispatch is expressed, and while I do not now discuss the fair-

noss of being assailed without a notice of the evidence, I admit I feel injured by the tone of your dispatch and simply say, *Audi alteram partem*.

On the 21st of October you announced that the quota of this State under last call of the President was 27,920, but as the State had previous to that time furnished an excess of 8,151 the balance of our quota was 19,779, subject to any further reduction for troops not credited.

This excess of 8,151, I suppose, was founded upon the following debits and credits:

Calls of 1861.....	47,785
Call of July, 1862.....	26,148
Call of August, 1863, equivalent to.....	6,537
Calls of 1863, for draft.....	32,085
Call of 1863.....	30,700
	27,030
	64,030
Total.....	145,100
The State had been credited with.....	125,321
Leaving balance as above of.....	19,779

A proclamation of the Governor calling on our people again to rally to the defence of their Government, and a general order from this department announcing our quota and the present regulations of the recruiting service and premiums and bounties offered to volunteers, were immediately issued. To avoid discouragement the people were assured that the large balance against us would probably be reduced by additional credits of a few thousand, so that by vigorous efforts our quota might be raised and the State saved from a draft. Recruiting agents were appointed by you, recruiting details ordered from regiments in the field, and the machinery set in motion (and yet the returns of the provost-marshal of the State show that but 134 recruits were received in October and 408 in November).

Private appeals were made by letter and in person to our people and press to wake them up to the danger and disgrace of a draft, and yet, with very few exceptions, they were as silent as the grave.

The leading Democratic organ in Chicago, the Times, and the leading Republican organ, the Tribune, for once agreed and would do nothing. Though influenced by different motives, their influence was precisely alike, and until they spoke the county papers were silent. Both concluded the quota could not be raised and both refused to act. I labored hard to get the Tribune to speak out, and for that purpose had personal interviews with the editors, and, showing them privately my estimates of the probable balance against us, insisted we could fill our quota without destroying the loyal party of the State; but until I could give them official evidence that our quota would be reduced by additional credits and brought within our power they would not act.

In the meantime my rolls were overhauled, information sought from the field, a settlement commenced with Missouri in July hurried forward, and finally, about the 1st of December, additional credits to the amount of 10,947 in our own regiments and 3,129 in Missouri regiments were secured, thus reducing the balance of our quota from 19,779 to 5,703. Still, so slow had been the recruiting that it was even doubtful whether that number could be realized unless our press would alarm the people.

Even after these additional credits were secured there was a large difference between the State and War Department as to the number of volunteers furnished prior to October, and until that difference was adjusted I could not make up accurate accounts with counties. Those accounts they insisted upon, and to those counties who were behind I gave them the figures as near as I could, and by dispatches and in every way I could I sought to arouse them to their danger and at the same time not to discourage them by an array of figures so large that they could not overcome them.

Some time prior to December 22, at which time I addressed their people, I had been urged to go to Chicago and help them, but declined. On the 22d I went there, and there unexpectedly met Governor Yates on his way home. After informing him of the situation and the course I had pursued during his absence he fully approved my course, and it was not until after full consultation with him and leading loyal citizens of Chicago as to the points to be made at the meeting that I made my speech and explained the situation as far as was thought advisable.

It was under these circumstances that I stated that while the balance against Cook County was probably at least 3,000, yet as I believed from information from different parts of the State that they (the counties) would by continued industry succeed in raising their quotas if Cook County would by the 5th of January raise 2,000 they would probably escape a draft. This is the sum and substance of my speech. Our friends immediately went to work with a will. The Tribune spoke and the people followed. Prior to that time there had not been enlisted in that county 300 men. All the rolls are not yet received, but enough is known to satisfy me that had it not been for the terrible storm which swept over the State on the last of December that they would have succeeded in filling that number. In fact, the five first days of this month have been completely lost to us all over the State on account of the storm.

I will not weary you with details, but I do not hesitate to affirm that the policy pursued has been sound, and that for every recruit lost by too much encouragement I can show ten secured by the course pursued.

Our situation when the last call was made was briefly as follows: Several counties were so largely behind that they could not fill their quotas. Several counties had filled theirs and did not know it. The balance could fill theirs by proper efforts.

The first were encouraged that by raising a part of their quotas they would save themselves from draft.

The second were not fully informed of their situation, and put off with the answer (true in fact) that until the differences between the State and General Government were adjusted their accounts could not be made up.

The third were assured that by vigorous efforts they could fill their quotas, and an estimate given them of what they must do.

A semi-official dispatch from Washington on the 22d of December last announcing that the draft would be postponed until the 1st of February had a bad effect upon recruiting for a few days. This was finally partially overcome by an assurance that the State authorities would not ask for a postponement.

The situation now, I think, is about this:

Recruiting has stopped for the want of bounties, and everybody

waiting to know what Congress will do after tinkering with affairs of the War Department.

If bounties and premiums are continued, recruiting will revive. Some good has been accomplished by a few Democratic papers pitching into me, for in doing this they had to insist there was danger of a draft, which they had refused to do before.

Each county now insists upon knowing precisely where they stand. Concealment will not answer longer. Although the State has filled her quota (as I have no doubt), yet without a fear of a draft, but with continuance of bounties and premiums, we can do considerable before April.

I am most willing to do all I can to help, or equally willing to stand back and retire from a field of labor full of trials, and which in 1861 I left the bench to enter.

As soon as a definite policy is adopted by Congress concerning the recruiting service I will take the liberty of submitting, by way of suggestion (for State authorities are only allowed that privilege), some modifications of present regulations, which I think it would be well to adopt in this State.

In the meantime I trust you will not fail to furnish the information asked for, and which I respectfully insist the State is entitled to.

I remain, very respectfully and truly, your obedient servant,
ALLEN C. FULLER.

P. S.—I might add that I have submitted the foregoing to Governor Yates, who authorizes me to add that in a few days he or myself, or both of us, will leave for the field to urge the re-enlistment of our old regiments, and we feel authorized to assure you, from information in our possession, that in case the bounties and premiums are extended by Congress to veterans that our old regiments will generally re-enlist.
A. C. FULLER.

WAR DEPARTMENT,
Washington City, January 10, 1864.

His Excellency Governor MORTON,
Indianapolis, Ind.:

The Senate has not yet passed the bill extending the time for the payment of bounties. It is expected the bill will pass to-morrow. Until it does pass the Department cannot give any authority for paying beyond the 5th of January, the period limited by law.

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 16. } *Washington, January 11, 1864.*

So much of General Orders, No. 163, of 1863, and of all subsequent orders, as authorizes the payment of a premium of \$2 to or for accepted recruits for volunteer organizations, is hereby annulled; and no payments of this premium to veteran volunteers or to recruits for volunteer organizations will in future be made.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 11, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: Being instructed by the President to take such measures in this State as would result in the restoration of Louisiana to the Union as a free State, I have issued an order, a copy of which is inclosed, which I am confident will receive the support of all classes of the people, and result in accomplishing the wishes of the President "in the shortest possible time." It opens the way for a gradual restoration of power to the people, but retains in the hands of the commanding general the same control as at present in all matters affecting the Government of the United States until the government is completely established.

I have the honor to be, with high respect, your obedient servant,
N. P. BANKS,
Major-General, Commanding.

They have been received too late to be forwarded by this mail.

I have the honor to be, with much respect, your obedient servant,
N. P. BANKS,
Major-General, Commanding.

(Similar letter to Maj. Gen. H. W. Halleck.)

[Inclosure.]

PROCLAMATION.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, January 11, 1864.

TO THE PEOPLE OF LOUISIANA:

I. In pursuance of authority vested in me by the President of the United States, and upon consultation with many representative men of different interests, being fully assured that more than a tenth of the population desire the earliest possible restoration of Louisiana to the Union, I invite the loyal citizens of the State qualified to vote in public affairs, as hereinafter prescribed, to assemble in the election precincts designated by law, or at such places as may hereafter be established, on the 22d day of February, 1864, to cast their votes for the election of State officers herein named, viz: Governor, lieutenant governor, secretary of state, treasurer, attorney-general, superintendent of public instruction, auditor of public accounts, who shall, when elected, for the time being, and until others are appointed by competent authority, constitute the civil government of the State, under the constitution and laws of Louisiana, except so much of the said constitution and laws as recognize, regulate, or relate to slavery, which being inconsistent with the present condition of public affairs and plainly inapplicable to any class of persons now existing within its limits, must be suspended, and they are therefore and hereby declared to be inoperative and void. This proceeding is not intended to ignore the right of property existing prior to the rebellion, nor to preclude the claim for compensation of loyal citizens for losses sustained by enlistments or other authorized acts of the Government.

II. The oath of allegiance prescribed by the President's proclamation, with the condition affixed to the elective franchise by the consti-

tution of Louisiana, will constitute the qualification of voters in this election. Officers elected by them will be duly installed in their offices on the 4th day of March, 1864.

III. The registration of voters, effected under the direction of the Military Governor and the several Union associations, not inconsistent with the proclamation, or other orders of the President, are confirmed and approved.

IV. In order that the organic law of the State may be made to conform to the will of the people, and harmonize with the spirit of the age, as well as to maintain and preserve the ancient landmarks of civil and religious liberty, an election of delegates to a convention for the revision of the constitution will be held on the first Monday of April, 1864. The basis of representation, the number of delegates, and the details of election will be announced in subsequent orders.

V. Arrangements will be made for the early election of members of Congress for the State.

VI. The fundamental law of the State is martial law. It is competent and just for the Government to surrender to the people, at the earliest possible moment, so much of military power as may be consistent with the success of military operation; to prepare the way by prompt and wise measures for the full restoration of the State to the Union and its power to the people; to restore their ancient and unsurpassed prosperity; to enlarge the scope of agricultural and commercial industry, and to extend and confirm the dominion of rational liberty. It is not within human power to accomplish these results without some sacrifice of individual prejudices and interests. Problems of state too complicated for the human mind have been solved by the national cannon. In great civil convulsions the agony of strife enters the souls of the innocent as well as the guilty. The Government is subject to the law of necessity, and must consult the condition of things rather than the preferences of men, and if so be that its purposes are just and its measures wise, it has the right to demand that questions of personal interest and opinion shall be subordinate to the public good. When the national existence is at stake and the liberties of the people in peril, faction is treason.

The methods herein proposed submit the whole question of government directly to the people. First, by the election of executive officers faithful to the Union, to be followed by a loyal representation in both Houses of Congress, and then by a convention which will confirm the action of the people and recognize the principles of freedom in the organic law. This is the wish of the President. The anniversary of Washington's birth is a fit day for the commencement of so grand a work. The immortal Father of his Country was never guided by a mere just and benignant spirit than that of his successor in office, the President of the United States. In the hour of our trial let us heed his admonitions.

Louisiana in the opening of her history souled the integrity of the Union by conferring upon its Government the Valley of the Mississippi. In the war for independence upon the sea she crowned a glorious struggle against the first maritime power of the world by a victory unsurpassed in the annals of war. Let her people now announce to the world the coming restoration of the Union, in which the ages that follow us have a deeper interest than our own, by the organization of a free government, and her fame will be immortal.

N. P. BANKS,

Major-General, Commanding.

INDIANAPOLIS, *January 11, 1864.*

Hon. E. M. STANTON:

The Indiana regiments are coming home rapidly, and I am putting them to recruiting, and directing them to date their enlistments on the 5th of January. If the Department will not allow this, please say so. If it will, you need not answer.

O. P. MORTON.

WAR DEPARTMENT,
Washington City, January 11, 1864.

Governor MORTON,
Indianapolis:

I telegraphed you Saturday that the bill authorizing bounties after 5th of January had not passed the Senate. Unless authorized by law, the Department will not pay bounties. It is my duty to obey the law, and I do not mean to violate or sanction its violation.

EDWIN M. STANTON,
Secretary of War.

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
Indianapolis, January 11, 1864.

Col. J. B. FRY,
Provost-Marshal-General, Washington, D. C.:

SIR: I learn from the Illinois papers (from one of which I cut the inclosed paragraph*) that the adjutant-general of Illinois has been making an investigation into the number of men who have gone from Illinois and enlisted in other States, and that a credit of nearly 5,000 men is claimed for the State, who, it is alleged, enlisted in Missouri regiments. I have no fault to find with this, and call your attention to the subject only to say that if credits of this kind can be allowed, I shall appoint a commission to investigate the claims which this State has for a credit of the same character. In the early part of the war, when the number of regiments to be raised in each State was limited and more were offered than could be accepted, large numbers of men went from Indiana and enlisted in Kentucky and other States, while not less than thirteen organized companies went from this State and entered regiments organized in others. The whole number of men who, either in companies or individually, went from this State and entered regiments of other States is estimated by the adjutant-general at over 6,000. As to the companies which left the State in an organized form, I believe that credit should be given, although they were not embraced in the adjustment heretofore made between the State and the War Department. As to the number of men who went individually and enlisted in the regiments of other States, I do not wish to go to the trouble and expense of investigating if credit for them is not to be given. I believe Indiana can make out quite as good a case as any other Western State. The reason such a claim has not been preferred heretofore was the understanding we have had that it would not be entertained, and that men would be credited to the State to which the regiment belonged in which they were enlisted. I shall be glad to hear from you on this subject at your earliest convenience.

* Omitted.

There is another matter which it will not be improper to mention in this connection. The Nineteenth Regiment U. S. Infantry recruited about 800 men, the Eleventh U. S. Infantry about 400, and other regiments U. S. infantry about 200 or 300 in this State, for which the State has not received credit, and I shall at a proper time ask your consideration of the claim which she has to credit for these men.

I have the honor to be, very respectfully, your obedient servant,
O. P. MORTON,
Governor of Indiana.

STATE OF IOWA, ADJUTANT-GENERAL'S OFFICE,
Des Moines, January 11, 1864.

Maj. THOMAS M. VINCENT,
Assistant Adjutant-General, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of yours of the 5th instant, with memorandum of what the War Department has done in relation to assigning the quotas under the 500,000 call.

As I understand the decision of the War Department, it is: As certain States in the aggregate raised 548,184, therefore the quota of Iowa under a call for 500,000 men shall be 19,316; or, because Iowa raised a portion of the excess above 500,000, therefore she is charged an excess of 1,699 above her true quota. If all the States had filled their quotas and sent their men to the field, or if all the States had furnished their shares of the excess above 500,000 men, the case would stand somewhat differently. It may be replied that you have attempted to equalize the matter on subsequent calls, but it has not been equalized, so far as men are concerned. And, with all due deference to the War Department, I have yet to learn by what authority the call of 500,000 men was increased to 548,184.

With great respect, I have the honor to be, truly yours,
N. B. BAKER,
Adjutant-General of Iowa.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 11, 1864.

His Excellency DAVID TOD,
Governor of the State of Ohio, Columbus, Ohio:

SIR: By direction of the Secretary of War you are hereby authorized to raise a regiment of colored troops (infantry), said regiment to be known and designated as the Twenty-seventh Regiment U. S. Colored Troops and to be mustered into the service of the United States for three years or during the war. The organization of the regiment must conform in all respects with the requirements of General Orders, No. 110, War Department, Adjutant-General's Office, 1863. The officers will be mustered into service on the presentation to the proper mustering officer of their appointments, signed by the Secretary of War, and such appointments will be made as provided in General Orders, Nos. 143 and 144, War Department, Adjutant-General's Office, 1863. The necessary supplies will be furnished by the respective departments on requisitions approved by the Governor of the State of Ohio.

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 3. } Washington, January 12, 1864.

The following instructions concerning credits on the quotas of States and towns are furnished for the information and guidance of all concerned:

Recruits will be credited to the localities from which they received local bounties, provided the muster-in rolls show them enlisted and mustered in as of the said localities. The muster-in rolls must show the facts of the case, and will be the evidence for awarding the credits.

Veterans in service, re-enlisting, will be credited to the localities to which the re-enlistments and muster-in rolls show them as belonging. Therefore, until veterans have been remustered, it cannot be determined to what particular locality they will be credited.

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 16. } Washington, January 12, 1864.
* * * * *

57. *Ordered*, That Major-General Hancock be, and he is hereby, assigned to recruit and fill up the Second Army Corps, of which he is commander, to the number of 50,000 men, for such duty as may be specially assigned to said corps by the War Department.

58. *Ordered*, That Major-General Burnside be, and he is hereby, assigned to recruit and fill up the Ninth Army Corps, of which he is commander, to the number of 50,000 men, for such duty as may be specially assigned to said corps by the War Department.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, January 12, 1864.

SUPTS. OF VOLUNTEER RECRUITING SERVICE LOYAL STATES:

A law has been passed to-day continuing for a few weeks bounties as allowed prior to January 5. Continue enlistments under regulations established prior to that date and keep up enthusiasm for recruiting. Inform Governor immediately. More complete instructions will be sent hereafter.

JAS. B. FRY,
Provost-Marshal-General.

(Copies sent to all save California, Tennessee, and Arkansas and Territories.)

WAR DEPARTMENT,
Washington City, January 12, 1864.

It is hereby ordered, That all orders relating to the Missouri troops designated respectively as Missouri State Militia (M. S. M.) and as Enrolled Missouri Militia (E. M. M.), and which are or have been

on file in the office of the adjutant-generals or their assistants at the different headquarters located in the State of Missouri, shall be open to the inspection of the General Assembly of Missouri, or of persons commissioned by it, and that copies of such records be furnished them when called for.

By order of the President:

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, January 12, 1864.

Maj. Gen. A. E. BURNSIDE,
New York:

The bill authorizing and extending the payment of bounties has passed Congress.

EDWIN M. STANTON,
Secretary of War.

(Same to Governor O. P. Morton, Indianapolis, Ind.)

EXECUTIVE CHAMBER,
Harrisburg, Pa., January 12, 1864.

Col. J. B. FRY:

COLONEL: After my inauguration, which will occur on the 19th instant, and our Legislature gets under way, I will try to come over and see you in reference to the subject of recruiting in Pennsylvania. It is going on handsomely now, and as Congress has wisely extended the time for paying bounties, I have great hopes that we will do well. Will you please to so change the order to General Cadwalader to raise a regiment as to enlarge the services from the "city of Philadelphia" to the "State of Pennsylvania?" I have written General Cadwalader and understand he desires such change in the order. I notice attacks on Colonel Bonford in a newspaper here and think I now understand the opposition to him. Bonford is an honest man and a true soldier. Before he is removed I beg the opportunity of seeing you; and although I do not ask to name his successor, I hope you will hear me on the subject. Could you not come here on the 19th and witness the ceremonies? I will be most happy to see you or Colonel Ruggles on such an occasion.

Very respectfully, your obedient servant,

A. G. CURTIN.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 4. } *Washington, January 13, 1864.*

The following extract from General Orders, No. 21, dated War Department, July 27, 1853, is furnished for the information and guidance of all concerned:

The following regulations have been received from the War Department, and are published to the Army:

"Soldiers confined by civil authority are not entitled to pay during such confinement, unless discharged therefrom without trial, or by trial and acquittal; and commanders of companies and detachments are required to state explicitly

upon the muster-rolls of their companies or detachments the periods of such confinements, and whether the soldiers so confined were discharged without trial, and if tried, whether they were acquitted or convicted."

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 13, 1864.

General JOHN L. HODSDON,
Adjutant-General of Maine, Augusta, Me.:

GENERAL: I have the honor to acknowledge receipt of your letter of the 11th instant saying that it is impossible to make the muster-in rolls exhibit the locality on whose quota each soldier is credited, and giving as one reason for the same that "towns having recruiting agents at work filling their quotas often find an excess enlisted beyond their quota, which they transfer to other towns, and transfers of this character will necessarily be in progress for weeks."

This system of bartering or transferring credits of men from one town or county to another is not calculated to inure to the benefit of the Government and is not approved by this Department. Every town should raise its own quota of men; the Government is abundantly able to accept the excess of the liberal towns as a surplus to be placed to their credit without such surplus being transferred to a credit of a delinquent town.

It is not probable that the draft on delinquent towns would be deferred in order that they might purchase, or otherwise acquire, credit for men already in service, instead of raising other men to fill their own quotas.

I am, general, very respectfully, your obedient servant,
JAS. B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, January 13, 1864.

Governor ANDREW,
Boston:

The bill authorizing bounties to be paid in accordance with the regulations of the War Department until March 1 passed yesterday.

EDWIN M. STANTON.

CONCORD, N. H., *January 13, 1864.*

Hon. E. M. STANTON,
Secretary of War:

SIR: The order of the General Government, through General Hinks, and by him promulgated to the various towns in our State, in reference to refunding the amount advanced by the towns to cash the bounties to recruits, is creating intense excitement, and the order must be modified or the State will be lost to the Administration. The order requires that the provost-marshal or the recruiting agent of the town shall make oath that the amount claimed assigned was paid in hand to the recruit. Now, in a majority, probably, of instances in the Second and Third Districts this cannot be done. It can be shown,

however, that the money has been actually paid by the towns; in some cases to the recruits; in others to their authorized agents. That the amounts so paid have been regularly assigned to the towns, and in every case that the recruit has been examined by the provost-marshal, and the recruit signified his satisfaction as to the amount received by him. The towns have advanced this money in good faith, on the strength of the authority of the General Government to me that the amount so advanced would be promptly refunded to the town. They have also paid additional bounties from their own resources, and now after exerting themselves to the utmost, and incurring the burden of a large debt, to be met with an order that effectually precludes them from receiving back the money they have advanced, looks to them like bad faith on the part of the Government and is causing a clamor that I am unable to meet. Will it not answer if it is known that the amount paid by the towns was actually assigned by the recruit, paid either to him or his agent, and that he was satisfied with the amount received? An early reply is solicited at as early a day as possible. You have no idea of the trouble this is creating, and the copperheads are jubilant.

J. A. GILMORE,
Governor.

The above telegram has been submitted by His Excellency Governor Gilmore to me, and I respectfully represent that the difficulty referred to exists in many of the towns in the Second and Third Districts in the State, and I request definite instructions in relation to any modifications that may be made in the present plan for repayment. Copies of the order referred to by Governor Gilmore have been forwarded to the Provost-Marshal-General by mail.

E. W. HINKS,
Brig. Gen. and Superintendent Volunteer Recruiting Service.

HQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, January 13, 1864.

J. L. DOZIER, E. H. BEAZLEY, and others, the representatives of a sect calling themselves "Christians," in Norfolk and Portsmouth, who petition to be excused from taking the oath of allegiance and doing military duty:

GENTLEMEN: I have read your petition to General Barnes, setting forth your objections to swearing allegiance to any earthly government, in which you therein establish, to your own satisfaction, three points:

First. That government, although an evil, is a necessary one.

Second. That for a time it is permitted to exist by the wisdom of Jehovah.

Third. That the time of its existence at which a period is to be put to its existence is not yet come.

Therefore [you] ought to swear allegiance to the Government of the United States:

First. Because, although an evil, you admit it to be necessary.

Second. Although an evil, you admit that it is permitted by the wisdom of Jehovah, and it is not for His creatures to question the wisdom of His acts.

Third. You only claim to be excused when Jehovah's government is substituted, which period has not yet arrived.

I have the honor to be, very respectfully, your obedient servant,

B. F. BUTLER,
Major-General, Commanding.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 20. } *Washington, January 14, 1864.*

The following joint resolution by the Senate and House of Representatives of the United States is published for the information of the Army and all concerned:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties heretofore paid, under regulations and orders from the War Department, to men enlisting in the regular or volunteer forces of the United States for three years or during the war, shall continue to be paid from the fifth day of January, eighteen hundred and sixty-four, until the first day of March next, anything in the act approved December twenty-third, eighteen hundred and sixty-three, to the contrary notwithstanding. This resolution to be in force from and after its passage.

Approved January 13, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, January 14, 1864.

SUPTS. VOLUNTEER RECRUITING SERVICE LOYAL STATES:

The time of paying the bounty of \$300 and \$400 and the \$15 and \$25 premium is extended to March 1, 1864, and these bounties and premiums will be paid in cases of men enlisted between January 5 and 12, the same as before January 5.

JAS. B. FRY,
Provost-Marshal-General.

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
Indianapolis, Ind., January 14, 1864.

TO THE PEOPLE OF INDIANA:

The quota of Indiana, under the last call of the President for 300,000 men, was about 19,000. This number was reduced by credit to 16,141 on the 20th day of October, when the President's call appeared. The returns are not in, so that the exact numbers cannot be given; but it is safely estimated that between 13,000 and 14,000 men have been recruited in the State for the old and new regiments since the last-mentioned date. This leaves a balance against the State of between 2,000 and 3,000 men, which is undoubtedly covered by the re-enlistments of veteran Indiana troops in the field.

By express order of the War Department the re-enlisted veterans are to be credited upon the quotas of the several States to which they belong. The re-enlistment of the veterans in the field has far exceeded the most sanguine expectations of the Government, and thousands have volunteered for a second term where perhaps but hundreds were

expected. This result is of the most gratifying and auspicious character, but it requires no argument to prove that if the re-enlisted veterans are largely counted upon the quotas of the several States, that the Government will come far short of getting 300,000 additional men called for by the President and necessary for military operations during the next spring and summer. In this way another call by the President may become necessary, and in order to avoid the renewed liability of the State, and to render to the Government that full and complete support which is due from the State, I earnestly exhort the people of the various counties and townships yet in arrears to make all necessary exertions to furnish the number of volunteers required of them under the apportionment of the quota heretofore published. To do this will be the only security against a future draft. I trust the various recruiting officers, county and township authorities, and military committees will not relax in their exertions until the quota of the State has been completely filled by the enlistment of men within the State. It is much easier to do this now than at any future time, and the efficient support rendered to the Government and the example set before the Nation will be of the most salutary character.

O. P. MORTON,
Governor of Indiana.

NASHVILLE, *January 14, 1864.*

HORACE MAYNARD:
(Care of R. J. Meigs.)

In reference to the recent proclamation, before whom is the oath prescribed to be taken? Will persons who have been notoriously loyal have to take it in order to vote? The voters in March next should be put to the severest test. I am satisfied that a convention should be called which will put the State at once upon its legs and forever settle the slavery question. If it should be thought advisable, two Senators could be appointed now who are sound as regards the slavery question and the Union. Will the Senate admit them? Public sentiment is becoming stronger every day for a restoration of the government. I would give some of the fault-finders to understand that the real Union men will be for Lincoln for President. The war must be closed under his Administration. I desire you to see the President in person and talk with him in regard to these matters. Steps should be taken at once in reference to the March elections. When I receive your reply I will let you know when I will be in Washington. I desire you to come to Nashville, for I will need you.

ANDREW JOHNSON,
Military Governor.

SPRINGFIELD, ILL., *January 15, 1864.*

Hon. E. M. STANTON:

Several Illinois regiments, having re-enlisted, are on route home for reorganization. There are recruiting parties amounting to 700 officers and enlisted men here from regiments in the field, and who are under the orders of the superintendent of recruiting service; so I think that officer, who is also provost-marshal-general of the State, has all the business on his hands he can attend to until the 1st of March next. I desire to have these veteran regiments report to me, and their

re-enlistment and reorganization under my orders, and the Federal officers on duty here muster and provide quarters and subsistence at my requisition. I am confident that this course will materially promote the public service. Please answer.

RICHARD YATES,
Governor.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

Washington, D. C., January 15, 1864.

His Excellency O. P. MORTON,
Governor of Indiana, Indianapolis, Ind.:

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, and have submitted it to the Adjutant-General of the Army. I have no control over the question of determining the number of men heretofore furnished by the different States, and of which each is to be credited. All records on the subject are kept in the Adjutant-General's Office, and with a view to making up quotas for draft the Adjutant-General reports to me the credits or deficiencies of the different States as regards volunteers furnished by each.

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJUT. GENERAL'S OFFICE,
No. 23. } *Washington, January 16, 1864.*

General Orders, No. 390, dated War Department, Adjutant-General's Office, Washington, December 8, 1863, is hereby revoked and the following substituted therefor:

The employment of persons of African descent, male or female, as cooks or nurses, will be permitted in all U. S. general hospitals.

When so employed they will receive \$10 per month and one ration. They will be paid by the nearest medical disbursing officer, on rolls similar to those used in the payment of men of the Hospital Corps.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Col. J. B. FRY:

SPRINGFIELD, January 16, 1864.

Does the War Department propose to ascertain and determine the number of volunteers furnished by each county in this State prior to the last call, in order to determine the balance, if any, of quota then due from such county, and will I be allowed to ascertain and determine accounts with counties and localities for volunteers furnished by them, and assign to them their respective quotas under all calls? In other words, does the General Government insist upon adjusting the matters in this State, or will it adopt the adjustment made by me, provided, of course, the State, as such, furnishes its full quota under all calls?

RICHARD YATES,
Governor.

STATE OF MAINE, HDQRS. ADJT. GENERAL'S OFFICE,
Augusta, January 16, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General, Washington, D. C.:

SIR: I sincerely regret that your department disapproves of the measures adopted by the commander-in-chief for filling this State's quota of volunteers under the call of the President of October 17, 1863.

Justice to Governor Coburn (now in private life) requires me to say that he did not regard the critical period of the Union in this war as being so certainly passed as to warrant an outlay of several millions of dollars from our State treasury (which may be so much needed hereafter by Government) in bounties to volunteers while a reasonable probability existed of the men being furnished by the respective cities, towns, and plantations throughout the State without such assistance.

The privilege to volunteers of selecting a quota at will unavoidably followed the adoption of the above policy, inasmuch as the places of their residence could not be compelled to pay the customary bounties. The restriction, therefore, suggested in yours of the 13th instant could but have resulted only in the enlistment of thousands of our citizens upon the quotas of other States.

While there have been numerous enlistments by residents of towns upon the quotas of other towns in this State, I very much doubt if New Hampshire, Massachusetts, or New York have anything like so large a proportion of their quotas under the present call enlisted from the citizens of their own State as has Maine.

Although the Governor in general orders expressed a desire (for reasons most apparent and conclusive) that our town bounties should be uniform in amount throughout the State and not exceed \$200, yet they have varied from that sum to \$500, while some towns and plantations have offered no bounties whatever.

Recruits are, however, at this time readily obtained for town bounties of from \$200 to \$300, and the prospect is that a large portion of those places paying no bounties until recently will now be enabled to fill their quotas, for the above reason, and if a few hundred men should be lacking to make up the entire quota of the State under present call (which can hardly be possible) the Legislature now in session will obtain the men by paying both town and State bounties from the treasury of Maine.

While I have endeavored, through the agency of a wide margin of overlays in apportioning quotas, to provide for the shortcomings of poor and disloyal localities, it can scarcely be expected that towns will knowingly furnish more volunteers than can be legally required of them under any call, involving as it does an expense of \$500 per man in many instances.

Your position that every town should raise its own quota of men was clearly intended to be understood by me as absolutely requiring the quotas of volunteers from towns to be procured from among their own citizens, respectively. The response afforded by the recent draft to this principle is equally applicable to the present effort to raise volunteers and demonstrate the utter impracticability of any such effort or calculation.

The poor town of Stoneham, in Oxford County, whose quota under the present call is seven, paid that number \$300 each as town bounty,

and thirty-three others of its citizens enlisted under this call for a like bounty from other towns. The \$9,900 of town bounties, which induced these thirty-three men to enlist, could not probably have been raised upon a mortgage of half the property in Stoneham.

A similar state of things exists in the new county of Arcostock, except that some of its towns and plantations pay no bounties and send no men.

If the Government should insist that each city, town, and plantation must raise its own quota of troops from its own citizens, I have no hesitation whatever in declaring that any call of Government for either drafted men or volunteers could not be answered in Maine.

Let the policy be undertaken of compelling each locality in this State to respond with its own citizens to a demand for troops, and all the poorer and least populous ones (which generally have the largest proportion of able-bodied men whose situation and circumstances most readily admit of their entering the service) would become denuded of such population, thus not only precluding the places of their residence from filling their quotas, but also older and wealthier towns in the State, which have much money and but few men, comparatively, eligible to enlistment.

Experience has shown that excesses in quotas are even more difficult to deal with in detail than deficiencies, and it is hardly possible hereafter to render settlements therefor generally, if in any degree, satisfactory. It will indeed be fortunate for your department if you can enter *de novo* upon a draft or call for volunteers hereafter, so far as excesses or deficiencies are concerned.

The destruction of the militia system twenty-five years since and the substitution at this time, in part, of the civil authority for that of the military, occasions the present difficulties (measurably, if not wholly, unavoidable), respecting "apportionments" and "quotas" to conform to the limits of city, town, and plantation boundaries, instead of company, battalion, regimental, brigade, and division organizations.

I have the honor to be, very truly and respectfully, your obedient servant,

JOHN L. HODSDON,
Adjutant-General.

WAR DEPARTMENT,
Washington, D. C., January 16, 1864.

Governor J. A. GILMORE,
Concord, N. H.:

The agreement announced in telegram from Provost-Marshal-General, dated November 5, to the effect that if the State of New Hampshire or the towns should pay the bounties offered by the United States and take an assignment from the recruit, that the Government would pay those bounties to the State or town instead of to the men, will be carried out in good faith, and General Hinks will receive orders accordingly. Experience has developed difficulties in this connection which were not foreseen by the Department and the arrangement will terminate on the 15th of February next.

EDWIN M. STANTON,
Secretary of War.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 16, 1864.

His Excellency A. G. CURTIN,
Governor of Pennsylvania, Harrisburg, Pa.:

SIR: Yours of the 12th instant received. The order in reference to the troops to be raised by General Cadwalader, in Philadelphia, has been changed as you desired. The authority is, however, only to raise a battalion at first.

I am glad to hear that recruiting is going on handsomely, and trust that Pennsylvania may raise her full quota. General Hancock has doubtless called upon you before this in connection with the matter of recruiting, and it is hoped that his presence and efforts will aid you in still further arousing the people to the necessity of filling up our armies before spring.

It would give me great pleasure to witness the ceremonies of the 19th instant, but I regret to say that I have no reason to hope that my duties will permit me to do so.

I am, sir, very respectfully, your obedient servant,
JAS. B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 25. } Washington, January 18, 1864.

All enlisted men now in the Regular Army whose terms of service expire during the present year are hereby permitted to re-enlist at any time before the 1st of March, 1864. On re-enlisting they will be entitled to the extra bounty of \$300, authorized by General Orders, No. 20, War Department, Adjutant-General's Office, Washington, D. C., January 14, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 5. } Washington, January 18, 1864.

All invalid soldiers mustered on invalid transfer rolls by surgeons in charge of general hospitals, and all men of the Second Battalion companies who can be spared from the hospital, and who have so far recovered from their wounds or diseases as to be thought fit for duty in the First Battalion, will be sent to the invalid camp or depot nearest to the hospital; and they will be there examined by a board, consisting of a field officer of the Invalid Corps and a medical officer of the regular or volunteer service, who shall have power to confirm their transfer to the corps and to decide to which battalion they shall be assigned; to send those judged fit for field duty to their regiments, and to discharge those whose infirmities unfit them for any duty.

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, January 18, 1864.

Maj. Gen. JOHN A. DIX,
Commanding Department of the East, New York:

GENERAL: The Governor of Maine is solicitous to have some force in the fortifications thrown up in that State to guard against invasions from the British Possessions. The subject was at one time called to your attention, and the last information we had from you was that you did not seem to think the emergency required it. It is well, however, to take every necessary precaution to guard against any raid, and I beg to direct your attention again to this subject.

The State of Maine proposes to raise a local force for that purpose, if needed. It is, of course, not desirable to increase the expenses of the Government by raising a force, unless there be reasonable ground of apprehension, of which you, as commander of the department, are the proper judge.

What is desired by the Department is, that you should again give the subject your attention and report what you deem necessary and whether you will require any additional authority. If you should conclude that it is best to have such force raised, you are authorized to designate the amount of it and to call upon the Governor to have it raised. It will be, perhaps, well for you to have a conference or correspondence with the Governor upon the subject, so as to ascertain his views in regard to it and any facts that may be in his possession showing the necessity for the measure.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 18, 1864.

His Excellency RICHARD YATES,
Governor of Illinois, Springfield, Ill.:

SIR: Your dispatch of the 16th instant is received. The War Department does not propose to attempt the ascertainment of the number of volunteers furnished by each county in Illinois prior to the last call. No account prior to the last call was kept by the War Department with counties, the record being kept only with the State at large.

At the time of making up quotas for the late draft the account of the State of Illinois was made up, and she was found to have a surplus greater than her quota, and was therefore exempt from that draft. See my letter of October 21, 1863.

If you can show exactly what proportion of all the men furnished by the State prior to the last call properly belongs to each county, I presume the War Department would adopt your report on this subject; but I would remark that the manner in which volunteers rushed to arms in the early stages of the rebellion will, it seems to me, render it very difficult for you to accomplish this task satisfactorily. The enrollment act does not require it. It says that in assigning the quotas to Congressional districts we shall take into consideration the number of men furnished by the States, &c. It was the desire of all towns and counties to be credited on the late draft with what each had furnished, but after most earnest efforts I found it impossible to get from any State such information as would have justified an attempt to give

such credits, and hence returned to a strict compliance with the law in this matter; and where the State had a surplus I divided that among the districts pro rata with their enrollment, and then in each district divided again the surplus assigned to it among its sub-districts, and I think this is the only practicable method of adjusting the accounts for men furnished prior to entering upon the enrollment act. Since the last call our orders are to keep a record by the muster-roll of where every man is to be credited, and for the present and the future there should be no trouble if our officers are careful in crediting each locality with its men; but I don't believe the same rule can be applied to the past, and the law does not require that it should be. There is no doubt that it would be more just and satisfactory if it could be done. I feel sure I cannot.

I am, sir, very respectfully, your obedient servant,
JAS. B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 18, 1864.

His Excellency J. A. GILMORE,
Governor of New Hampshire:

SIR: In reply to your letter of the 12th instant to the Secretary of War, referred by him to this office, in relation to the repayment to the towns of your State of the United States' bounties, by them advanced in cash to the recruits from New Hampshire, and to your telegram upon the same subject, I have the honor to inclose herewith copy of instructions this day issued to Brigadier-General Hinks, superintendent volunteer recruiting service for New Hampshire. Please see telegram upon this subject of the 16th instant to you from the Secretary of War.

I am, sir, very respectfully, your obedient servant,
JAS. B. FRY,
Provost-Marshal-General.

[Inclosure.]

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 18, 1864.

Brig. Gen. E. W. HINKS,
A. A. P. M. G. for New Hampshire, Concord, N. H.:

GENERAL: I am instructed by the Provost-Marshal-General to inform you that your circular of January 5, 1864, is not entirely approved, and to direct you to modify the first clause thereof so as to read as follows:

The United States will repay, by installments, to the cities and towns of this State so much of the premium and bounties offered by the General Government to the volunteers, under the President's call of October 17, 1863, as may have been actually advanced and paid in cash to or for each volunteer by said cities and towns, provided the recruit in each case, for whom such amount was paid, shall have made or shall make an assignment to the town of the amounts so paid. The bounties to be repaid to the towns in installments, as established by existing orders.

The Provost-Marshal-General further directs that you make such modifications of the remainder of the circular, and of all papers

dependent upon it, as may be required to conform them to the changes herein above ordered.

I am, general, very respectfully, your obedient servant,
GEO. D. RUGGLES,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 26. } *Washington, January 10, 1864.*

The following joint resolution is published for the information and guidance of all concerned:

A RESOLUTION amendatory of the joint resolution "to supply in part deficiencies in the appropriations for the public printing, and to supply deficiencies in the appropriations for bounties to volunteers."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the money paid by drafted persons under the act for calling out the national forces and for other purposes, approved March third, eighteen hundred and sixty-three, or that may be paid under any act for like purposes, shall be paid into the Treasury of the United States, and shall be drawn out on requisitions, as are other public moneys, for the expenses of the draft and for the procurement of substitutes; for which purposes the money so paid in is hereby appropriated.

Approved January 10, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
January 10, 1864.

His Excellency the GOVERNOR OF INDIANA,
Indianapolis:

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, in reference to an adjustment relative to certain volunteers between the States of Illinois and Missouri, and asking if like claims will be allowed, &c.

In reply I am directed to inform you that the question of adjustment is one resting entirely with the respective States that may be concerned, but if the Governors thereof consent to an adjustment, as has been done between Illinois and Missouri, the Department will approve the action.

For Your Excellency's information I have respectfully to inclose herewith a copy of the certificate of adjustment between Illinois and Missouri, which has been approved by the Department, and a change of credits made accordingly.

I have the honor to remain, very respectfully, your obedient servant,
THOMAS M. VINCENT,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Indianapolis, Ind., January 10, 1864.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: Considerations of the most vital character demand that the war shall be substantially ended within the present year. The truth of this proposition need not be enforced by argument, because it is apparent to every intelligent mind.

I therefore respectfully but earnestly urge the necessity of immediately calling for all the men that may be required to bring the war to a safe and speedy termination. If doubts are entertained that a sufficient number of men will be procured under the last call, let another be made immediately, and my belief is that the Nation will respond and by a mighty effort promptly raise our armies to the required strength. It is much better to make the estimate too large than too small, and it is much safer to overpower the enemy by numbers than merely to be his equal and rely for success upon the skill of generals and the chances of battle.

I am also greatly apprehensive that we shall be surprised in the spring by the numbers and strength of the enemy. A terrible conscription is putting almost the entire male population of the rebel States in the army. We shall find beyond all question that their forces have been greatly increased.

If another call for troops should become necessary during the next spring and summer, when it would take months to get them into the field, the Nation would be greatly disheartened, the continuance of the war be indefinitely prolonged, and our finances deeply and almost fatally depressed. Men can be raised more easily now than at any future time. It is the winter season, when the agricultural population is, to a very great extent, unemployed, and will enter the army far more readily than after farming operations are resumed in the spring.

Nothing would so much weaken the Administration or repress the ardor of the people as the apprehension that our armies are inadequate to the speedy suppression of the rebellion and that another call for troops will be necessary at a future time. If the war can be ended sooner by largely increasing our forces, the sooner our forces will be disbanded and the immense drain upon the Treasury suspended, which is becoming the terror of all intelligent minds.

The leaders of the rebellion are making a last and mighty effort to retrieve their desperate fortunes. Let them be met with a mightier effort by the Nation, which shall certainly overwhelm them with inevitable ruin.

Very respectfully, your obedient servant,

O. P. MORTON,
Governor of Indiana.

CIRCULAR }
No. 6. }

WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, January 20, 1864.

I. All men enlisted into the Regular Army since September 3, 1862, will be credited upon the quota of the State in which they were enlisted.

The superintendents of regimental recruiting service will forward to Governors of States (as soon as possible) a list of all men enlisted into the Regular Army by recruiting officers, under their commands, from September 3, 1862, to January 1, 1864, giving the names of the men, and, wherever they can do so, the district in which they were enlisted. Also, to forward to you hereafter tri-monthly reports of men thus enlisted, giving the names of the men, State, district of enrollment, town, and county in which they were enlisted, such reports to commence from January 1, 1864.

II. All the recruiting officers will pay all men whom they enlist into the Regular Army \$25 bounty and \$2 premium immediately on enlistment.

Will also, in all cases where the provost-marshal of the district in which they are recruiting notify them that they have men who desire to enlist into the Regular Army, proceed to their offices, and make out and complete their papers; but the transfer of men from the volunteer service into the Regular Army after they have been definitely enlisted into the volunteer service is contrary to law.

III. The following instructions, concerning credits of regular soldiers on the quotas of States and towns, are furnished for the information and guidance of officers recruiting for the Regular Army in the field:

Recruits will be credited to the localities from which they receive local bounties, provided their enlistment papers show them enlisted as of said localities.

Soldiers re-enlisting will be credited to the localities to which the re-enlistments show them as belonging. They will be allowed to select the places from which they prefer to re-enlist, and that selection will determine the quotas on which they will be credited.

Monthly lists will be forwarded to this office of all the men who may enlist or re-enlist, specifying their names, districts of enrollment, and States. You will also forward monthly lists, specifying their names, districts of enrollment, towns, and counties from which they may enlist or re-enlist, to the Governors of the States to which they may belong.

IV. Superintendents will make up from the records of their office (as soon as possible) separate lists for each State of all the men enlisted into the Regular Army, by the recruiting officers under their command, in each State, from September 3, 1862, to January 1, 1864, giving the names of the men, and, wherever they can do so, the districts in which they were enlisted, and send them to the Governors of the respective States. They will also hereafter make consolidated tri-monthly reports to the Governors of the respective States of the men enlisted into the Regular Army, by the recruiting officers under their command, in each State, giving the names of the men, the State, district of enrollment, town, and county in which they were enlisted.

These reports will commence from January 1, 1864.

V. All recruiting officers will make their contracts for board and lodgings separately, and send their contracts for board direct to the Commissary-General of Subsistence, and for lodgings to this office.

To render those contracts valid, each sheet must have a 5-cent internal-revenue stamp attached.

VI. Disbursing officers of the funds for collecting, organizing, and drilling volunteers have been instructed to pay any one, citizen or soldier, the sum of \$25 and \$15 (\$25 for a veteran and \$15 for a raw recruit) who may present to them the certificate of a regular recruiting officer that they have furnished an accepted recruit to such officer.

The following is the form of certificate:

No. —.

RECRUITING REVENUE, U. S. A.,
—, 186—.

This is to certify that — has presented —, an accepted recruit, who has been enlisted this day into the military service of the United States, and is entitled to the premium of \$—.

To —,
Mustering and Disbursing Officer.

Recruiting Officer.

Each recruiting officer will furnish the disbursing officers in his vicinity with his signature for the purpose of comparing it with the signature on the certificate.

Until the 1st of March the \$2 premium authorized by General Orders, No. 74, of July 7, 1862, will not be paid in the above cases.

The term veteran in this case is intended to apply to those soldiers of the regular service only who have served out the full term of their enlistment and who may re-enlist.

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, D. C., January 21, 1864.

Major-General GRANT,
Chattanooga, Tenn.:

The Secretary of the Treasury proposes to remove restrictions on trade in Kentucky and part of Tennessee. I presume there is no objection in regard to Kentucky. Please report in what part, if any, of Tennessee these restrictions can be removed with safety.

H. W. HALLECK,
General-in-Chief.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 21, 1864.

His Excellency the GOVERNOR OF IOWA,
Davenport, Iowa:

SIR: I have the honor to inform you that from June 1 to December 31, 1863, 4,800 volunteers, for three years' service, have been credited to the State of Iowa. This number is exclusive of re-enlistments of veterans in the field.

The foregoing, from an examination of our records, is found to be in accordance with the claims of the State, as per the quarterly statements of your adjutant-general for September 30 and December 31, after making a deduction of 382 men from the strength (903) as claimed for the First African Regiment of Infantry. The total 903 for the said regiment cannot be credited to Iowa, as the 382 men thereof are mustered in as from the State of Missouri.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

AUGUSTA, *January 21, 1864.*

Col. J. B. FRY,
Provost-Marshal-General:

The quota of Maine will be filled and overrun by re-enlistments, still some sub-districts will fail to furnish their men purposely and without justification. If deemed advisable, will a draft be ordered in such defaulting districts and the number beyond our quota be allowed on the next call? The State will have to pay the amount of the municipal bounty to some of these soldiers re-enlisting, but will not want towns which shirk their duty to have the benefit of that.

SAMUEL CONY,
Governor of Maine.

GENERAL ORDERS, {
No. 11. }

HEADQRS. DEPARTMENT OF THE SOUTH,
Ft. Moultrie, S. C., January 21, 1864.

With a view to the enforcement of an equitable and just draft for the military service a complete census of all males between the ages of eighteen and forty-five not in the military or naval service of the United States will be at once made in this department. Post commanders are charged with the execution of this order within the limits of their respective commands. Copies of the rolls will be forwarded by them to these headquarters. These rolls must contain the name, age, color, and occupation and length of residence in the department of each individual. All permits to leave the department must bear date subsequent to this order.

By command of Maj. Gen. Q. A. Gillmore:

ED. W. SMITH,
Assistant Adjutant-General.

CIRCULAR {
No. 9. }

WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, January 22, 1864.

The following instructions from the Secretary of War are furnished for the information and guidance of all concerned:

Officers signing the discharge papers of enlisted men who are discharged on surgeon's certificate of disability will note on the back of the discharge, where the conduct of the man has not been meritorious, as required by General Orders, No. 212, of 1863, for admission into the Invalid Corps, that he is not a proper person for the Invalid Corps.

R. D. TOWNSEND,
Assistant Adjutant-General.

CHATTANOOGA, TENN., January 22, 1864.
Major-General HALLECK,
General-in-Chief:

There is no objection to removing trade restrictions in all Kentucky east of the Tennessee River. I would advise no change in Tennessee until Longstreet is driven out. If Sherman's expedition proves successful, I would then see no objection to the removal of restrictions in the whole State and in West Kentucky.

U. S. GRANT,
Major-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 23, 1864.

Brig. Gen. JOHN L. HODSDON,
Adjutant-General of Maine, Augusta, Me.,

GENERAL: Yours of the 16th instant is received. I think you have misunderstood my letter of the 13th instant. Please refer to it. You state that "justice to Governor Coburn (now in private life) requires me to say that he did not regard the critical period of the Union in this war as being so certainly passed as to warrant," &c.

Permit me to say that I certainly had no intention of doing Governor Coburn injustice, nor do I find anything in my letter which seems to me calculated to do it. I said nothing as to his opinions of the critical period of the Union, nor of my own on the same subject. You further state, referring to me, "Your (my) position that every town should raise its own quota of men was clearly intended to be under-

stood by me (you) as absolutely requiring the quota of volunteers from towns to be procured from among their own citizens, respectively;" and you make an argument against this policy. I assure you that my position, as quoted, was not "intended to be understood" as you state, nor do I think the language bears the construction you have put upon it. I said, having previously recognized, adopted, and acted upon the system of raising men by bounties, "that every town should raise its own quota of men." I must say I don't see how that language could be construed as "absolutely requiring" the men raised to be residents of the town. As I never approved nor contemplated such a policy or such a construction of my letter, it is not necessary for me to notice the objection you make to it.

The point I do make is just as stated, "that every town should raise its own quota of men;" that is, that every town should, by means of its bounties, its efforts, or the personal patriotism of its inhabitants, put into the U. S. service a number of men equal to the quota assigned it; and what I object to is this, viz, that when one town, by any of the means or influences resorted to, has actually put into the U. S. service a surplus, that these soldiers should on any account be transferred to the credit of a delinquent town. Such transfer, on the ground that each town should furnish its quota, deprives the service of a number of men equal to the number so bartered or transferred, and this principle should, I think, govern, whether the men it is proposed to transfer be re-enlisted veterans or enlisted recruits.

The case of men who have not yet enlisted or re-enlisted, whether recruits or veterans, is different. We do not pretend to establish their residences or the localities to which they shall be credited; the muster-in rolls are taken as the evidence on these points, and if, on account of bounties or for other cause, a man chooses to go from the north to the south of Maine to enlist and accept bounty, we do not propose to control his movements or question the correctness of the roll which shows him to be creditable to the south, though he may have come from the north. All this I regard as a necessary part of the system of raising men by means of bounties, and, without expressing an approval or disapproval of that system, I would say that, as we are acting upon it, we must get the benefits of it.

No one can tell how many more men we will want, and in my opinion a town which has raised a surplus under the present call will act wisely to retain that surplus to its credit, and pay the additional bounties required for that purpose rather than sell out the surplus to a delinquent town for the purpose of saving or making money.

As stated in my letter of the 13th, the Government will need all the surplus raised.

I am, general, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 29. } *Washington, January 25, 1864.*

The following acts of Congress are published for the information of all concerned:

I. PUBLIC—No. 2.

AN AOT to authorize the President to appoint a Second Assistant Secretary of War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, for the term of

one year from the passage of this act, an officer in the War Department, to be called the Second Assistant Secretary of War, whose salary shall be three thousand dollars per annum, payable in the same manner as that of the Secretary of War, who shall perform all such duties in the office of the Secretary of War, belonging to that Department, as shall be proscribed by the Secretary of War, or as may be required by law.

Approved January 19, 1864.

II. PUBLIC—No. 3.

AN ACT to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department or Department of Missouri.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of seven hundred thousand six hundred and twelve dollars and thirteen cents, or so much thereof as may be necessary, to carry into effect the act approved March twenty-fifth, eighteen hundred and sixty-two, to secure to the officers and men actually employed in the Western Department or Department of Missouri their pay, bounty, and pension: *Provided, however,* That, in the payment of the money hereby appropriated, such payment shall be made directly to the officers or soldiers by whom the services were rendered, or to their personal representatives, or to their agents appointed by powers of attorney, and no assignment of any sum due to any officer or soldier shall be valid; such payments to be made by paymasters of the United States Army: *Provided further, however,* That any person holding a power of attorney authorizing the receipt by him of the amount to be paid to any officer or soldier, may, upon making and filing an affidavit to the effect that he is acting in the premises purely as agent, without personal interest, and that he will pay over the amount received either to the soldier or (in his absence) to his wife or children, for their benefit, be entitled to receive such amount.

Approved January 22, 1864.

III. PUBLIC—No. 4.

AN ACT to amend the law prescribing the articles to be admitted into the mails of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That articles of clothing being manufactured of wool, cotton, or linen, and comprised in a package not exceeding two pounds in weight, addressed to any non-commissioned officer or private serving in the armies of the United States, may be transmitted in the mails of the United States at the rate of eight cents, to be in all cases prepaid, for every four ounces, or any fraction thereof, subject to such regulations as the Postmaster-General may prescribe.

Approved January 22, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 30. } Washington, January 25, 1864.

The following is hereby established as the ration for issue by the Subsistence Department to adult refugees and to adult colored persons, commonly called "contrabands," when they are not employed at labor by the Government, and who may have no means of subsisting themselves, viz: Ten ounces of pork or bacon, or one pound of fresh beef; one pound of corn-meal five times a week; and one pound of flour or soft bread, or twelve ounces of hard bread, twice a week; and to every 100 rations ten pounds of beans, pease, or hominy; eight pounds of sugar; two quarts of vinegar; eight ounces of adamantine or star candles; two pounds of soap; two pounds of salt; and fifteen pounds of potatoes, when practicable. To children under fourteen years of

age, half rations will be issued; and to women and children, roasted rye coffee at the rate of ten pounds, or tea at the rate of fifteen ounces, to every 100 rations.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 10. } *Washington, January 25, 1864.*

To provide for the discharge and muster of veteran volunteers in certain cases which may arise in the respective States, the following regulations are announced for the information and guidance of all concerned:

1. Enlisted men away from their respective regiments or companies on recruiting service, at a draft rendezvous or on other detached service, which prevented them from being discharged and remustered with their proper commands in the field, may be discharged and remustered in their respective States; provided they were placed on the aforesaid detached duty by the order of the department, army, or corps commander to which their regiments or companies belong, or in which they were serving at the date the order detaching them was issued.

2. Enlisted men who were not within the re-enlistment limits at the time their commands were furloughed, and who, in consequence of a declaration of intention to re-enlist, were permitted to go on furlough with their commands, may, upon their coming within the limits (*i. e.*, have served two years), be discharged and remustered in the States.

3. Enlisted men who were on furlough in the States prior to their companies or regiments being sent thereto, will, at the expiration of their furloughs, be returned promptly to the armies in which their commands served, there to be discharged and remustered as veterans, if they are entitled to it.

4. Enlisted men other than the foregoing, such as sick and convalescents in hospitals, stragglers, those irregularly detached from their companies and regiments, &c., will, in no case, be discharged and remustered.

Commanders and other officers under whose control such persons may be will take immediate measures to return them, at the earliest possible date, to the armies to which their regiments and companies belong, there to be discharged and remustered, if entitled to it. If returned and remustered prior to March 1, 1864, they will receive the increased veteran bounties as now authorized.

5. The regulations as set forth in General Orders, No. 359, series of 1863, will be applicable to the discharges and musters as herein authorized, the chief mustering officer for the State and his assistants performing the duties assigned the commissaries and assistant commissaries of musters. In so far as relates to the appointment of a recruiting officer, the chief mustering officer will act, as set forth, for a regimental commander (paragraph 4).

Rolls must be promptly forwarded as directed in paragraph 15, Mustering Regulations.

E. D. TOWNSEND,
Assistant Adjutant-General.

SPRINGFIELD, ILL., *January 25, 1864.*

Hon. E. M. STANTON,

Secretary of War:

On the 8th instant my adjutant-general, by my order, telegraphed Colonel Fry, Provost-Marshal-General, inquiring if 145,100 three-years' men was the total calls made on this State, to which no satisfactory reply has been received. On the 14th [15th] instant I telegraphed to you requesting that our veteran regiments be recruited and reorganized under my orders, which I fear has been overlooked. I respectfully insist I am entitled to definite and specific answers to these dispatches.

RICH. YATES,
Governor of Illinois.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 25, 1864.

Brig. Gen. WILLIAM BIRNEY, U. S. Volunteers,
*Mustering and Recruiting Officer for Colored Troops,
Bryantown, Md.:*

GENERAL: I am instructed to say that you are hereby authorized and directed to recruit and muster into service another colored regiment in the State of Maryland. The regiment will be mustered into service for three years or during the war, and will be known and designated as the Thirtieth Regiment U. S. Colored Troops.

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, January 26, 1864.

Governor JOHNSON,
Nashville, Tenn.:

The oath in the proclamation may be administered by the Military Governor, the military commander of the department, and by all persons designated by them for that purpose. Loyal as well as disloyal should take the oath, because it does not hurt them, clears all question as to the right to vote, and swells the aggregate number who take it, which is an important object.* This is the President's reply to your questions of the 14th. I intend to start for Nashville in the morning. Will go directly through, stopping a few hours in Cincinnati, where a dispatch will reach me.

HORACE MAYNARD.

CIRCULAR }
No. 11. }

WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, January 26, 1864.

The following instructions from the Secretary of War are furnished for your information and guidance:

The authority heretofore given to military commanders to order the discharge of enlisted men for disability is hereby revoked, and hereafter all discharges of regulars (except rejected recruits, whose cases

* To this point the original is in the handwriting of President Lincoln.

are forwarded to this office), and all discharges of volunteers, except recruits rejected at the muster in (who are discharged by the mustering officer, and called "rejected recruits"), will be given only on the order of the commanding officer of the corps or department in which the man may be serving at the time of discharge. This will not be understood to confer upon corps or department commanders authority to grant discharges to onlisted men, except by orders from the War Department, to accept promotion, or expiration of term of service, for disability, or by sentence of a general court martial. Officers and soldiers of the volunteer force, discharged on expiration of term of service, should be mustered out of service by the commissary or assistant commissary of musters for their command.

I have the honor to be, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 39. } *Washington, January 20, 1864.*
* * * * *

37. Brig. Gen. J. H. Wilson, U. S. Volunteers, is hereby assigned to the charge of the Cavalry Bureau of the War Department, and will relieve Brigadier-General Garrard therein without delay.
* * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, D. C., *January 26, 1864.*

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt from the War Department of the following papers, referred to this office for report, viz:

Copy of the resolution of the House of Representatives of the 6th of January, 1864, appointing a select committee of nine members to examine into the expediency of the establishment of a new route for postal and other purposes between New York and Washington; also of a copy of the resolution adopted by the select committee on the 17th of January, calling upon the Secretary of War and the Postmaster-General for all facts in their possession having a bearing upon the transmission of mails, troops, Government freight, &c., between New York and Washington, and the facilities for such transmission since the present rebellion; and also the amounts paid for such services, at what rates, and to whom paid; whether any, and if so, what difficulties and delay have existed with reference to the same.

Understanding from the chairman of the committee that the committee is desirous of having at the earliest possible moment so much of the information called for as can be readily given, I have the honor to report in part:

The accounts of officers of the Quartermaster's Department are by law transmitted directly to the Third Auditor of the Treasury, who sends them to this office for administrative examination; after receiving which they are returned to him for final examination and settle-

ment. The accounts which have been acted upon are therefore in the care of that officer, and I have addressed to him a letter requesting a report of the total sum paid so far as the accounts have been acted upon. I have also directed an examination of the accounts in transit through this office. This examination will take some time. When completed, further report will be made.

Executive Document, No. 79, Thirty-seventh Congress, third session, contains a report from this office, embodying a statement from the Third Auditor's Office, in answer to a resolution of the House of Representatives of the 19th February, 1863, in relation to this same subject. To that report I respectfully refer the committee. I have been informed, however, since that report was printed that an error has crept into the statement (B) on page 5, which is given as received from the Auditor's office. The Baltimore and Ohio Railroad Company has asserted that of the sum reported as paid to it a large portion was for services on their main stem west of the Relay House, and therefore properly chargeable to transportation between New York and Washington.

The resolution of the committee calls for all facts in possession of the War Department having a bearing upon the transmission of mails, troops, Government freight, &c., between New York and Washington, and the facilities for such transmission since the present rebellion, and what difficulties and delays have existed. It is not possible to report all the facts embraced within the scope of this general inquiry. Most of these roads have done, it is believed, all that was in their power to transact the Government business promptly, and they, except the Baltimore and Ohio road, at an early date agreed to do the work of the Government at uniform rates, much below their ordinary charges to the public, and they have made great exertions at various times, when the military necessities were urgent, to aid the department by placing their material at the disposal of the Government.

During the blockade of the Potomac by the rebels the army then here was supplied almost entirely by these roads. All supplies received for weeks, with the exception of a small quantity brought up in vessels which ran the blockade, came into this city by the Washington Branch Railroad.

The sums received by these roads have been very large. The sums paid, according to the accounts which had been received up to the 26th February, 1863, amounted to nearly \$3,000,000. During the eleven months which have since elapsed there have been further and large payments.

During the late blockade of the Potomac by ice the attempt has been made again to bring all supplies to this city by rail. Very large quantities of forage was purchased in New York, but the railroads have been unable to move it. On the 16th of January, after the blockade had continued for nearly a week, the chief quartermaster of the Washington depot reported that he had received by railroad to that date less than twenty car-loads of forage. The army now requires daily a supply of 74 car-loads of grain and 375 car-loads of hay. Letters were addressed by the Secretary of War and by the officers of this department to the several railroad companies, requesting them to use every effort to forward forage, but the result demonstrated the inability of the railroads to meet any such sudden and extraordinary demand. I have been informed that the earlier shipments by rail from New York were stopped at Camden, at the crossing of the Delaware, it being impossible to ferry so many cars across that river while obstructed by ice. The Susquehanna ferry presented a

similar obstacle at Havre de Graco. The weather was very severe, and I do not doubt that the railroads on this occasion put forth every exertion, but the result was conclusive as to their inability to bring forward in such a season the necessary daily supply of forage alone. Had not the weather moderated and the river opened again, there would have been much suffering and injury to the animals of the army. A large stock accumulated at this depot before the interruption of navigation has been very much reduced. I inclose copies of reports* made to this office at the time by Brig. Gen. D. H. Rucker, chief quartermaster of the Washington depot, which show the condition of supply. Also a report* from Capt. A. Boyd, assistant quartermaster, Philadelphia, on the subject, papers A, B, C, and E.*

The rates paid to the several railroads between Baltimore and New York have been the same as those allowed and paid to other railroads throughout the United States for similar services. Between Baltimore and Washington the Baltimore and Ohio Railroad has claimed and received higher rates. While other roads receive 2 cents per mile per passenger, carrying eighty pounds of freight free, this road has been paid on Washington Branch $2\frac{1}{2}$ cents, and on the main stem from 2.7 to 3.7 per mile for each passenger, and has charged freight on baggage. Upon freight the rates allowed to railroads generally have been according to the recommendation of the railroad convention, embodied in the circular issued from the Quartermaster-General's Office, dated May 1, 1862, herewith appended, and marked D.* Between Washington and Baltimore the Baltimore and Ohio Railroad Company has been allowed $12\frac{1}{2}$ cents per 100 pounds for first-class freight, 10 cents per 100 pounds for second-class, and for horses \$15 per car, army wagons \$16 per car, and cannon \$18 per car. These higher rates have been claimed by the Baltimore and Ohio Railroad under the provisions of the following resolution of the railroad convention held in this city on the 3d day of March, 1862:

Resolved, That it is the opinion of this convention that the Secretary of War should make such compensation as will be equitable to those roads whose expenses are enhanced by reason of being in or near the seat of war.

As a military question there can be no doubt of the great advantage to the United States of another line of railroad between this city and New York, one crossing the rivers by bridges above the head of navigation, and not liable to interruption by ice. There have been times when the Government would have gladly availed itself of the full capacity of several such independent lines. The insufficiency of the present communication has several times caused this department much anxiety, and the question of taking actual and entire military possession of these railroads has been discussed more than once. The present line is exposed at several points to be broken by naval expeditions, of the efficiency of which our experience in the present war gives abundant proof, as in a war with a nation having a powerful navy, our present sea and land communications would both be imperiled, and interior line of supply and of communication between the capital and the north and northeast would be of great military importance, even were the present lines fully able to meet any present demand.

I have the honor to be, very respectfully, your obedient servant,

M. C. MEIGS,

Quartermaster-General U. S. Army.

*Omitted.

HEADQUARTERS DEPARTMENT OF THE OHIO,
Knoxville, East Tenn., January 26, 1864.

Maj. Gen. H. W. HALLECK,
General-in-Chief U. S. Army, Washington, D. C.:

GENERAL: I have the honor to inclose copies of correspondence between General Longstreet and myself upon the subject of the amnesty proclamation.

I have the honor to be, very respectfully, your obedient servant,
 J. G. POSTER,
Major-General, Commanding.

(Copies to Major-General Grant same date.)

[Inclosure No. 1.]

HEADQRS. CONFEDERATE FORCES EAST TENNESSEE,
January 3, 1864.

COMMANDING GENERAL U. S. FORCES EAST TENNESSEE:

SIR: I find the proclamation of President Lincoln of the 8th of December last in circulation in handbills amongst our soldiers.* The immediate object of this circulation appears to be to induce our soldiers to quit our ranks and take the oath of allegiance to the United States Government. I presume, however, that the great object and end in view is to hasten the day of peace.

I respectfully suggest for your consideration the propriety of communicating any views that your Government may have upon this subject through me, rather than by handbills circulated amongst our soldiers.

The few men who may desert under the promise held out in the proclamation cannot be men of character or standing. If they desert their cause, they disgrace themselves in the eyes of God and of men. They can do your cause no good nor can they injure ours. As a great Nation you can accept none but an honorable peace; as a noble people you could have us accept nothing less.

I submit, therefore, whether the mode that I suggest would not be more likely to lead to an honorable end than such a circulation of a partial promise of pardon.

I am, sir, very respectfully, your most obedient servant,
 J. LONGSTREET,
Lieutenant-General, Commanding.

[Inclosure No. 2.]

HEADQUARTERS DEPARTMENT OF THE OHIO,
Knoxville, East Tenn., January 7, 1864.

Lieut. Gen. J. LONGSTREET,
Commanding Confederate Forces in East Tennessee;

SIR: I have the honor to acknowledge the receipt of your letter dated January 3, 1864.

You are correct in the supposition that the great object in view in the circulation of the President's proclamation is to induce those now in rebellion against the Government to lay aside their arms and return to their allegiance as citizens of the United States, thus securing the reunion of States now arrayed in hostility against one another and restoration of peace.

* See Series II, Vol. VI, p. 680.

The immediate effect of the circulation may be to cause many men to leave your ranks to return home, or come within our lines, and, in view of this latter course, it has been thought proper to issue an order announcing the favorable terms on which deserters will be received. I accept, however, your suggestion that it would have been more courteous to have sent those documents to you for circulation, and I embrace, with pleasure, the opportunity thus afforded to inclose to you twenty copies of each of those documents, and rely upon your generosity and desire for peace to give publicity to the same among your officers and men.

I have the honor to be, general, very respectfully, your obedient servant,

J. G. FOSTER,
Major-General, Commanding.

[Inclosure No. 3.]

HEADQUARTERS DEPARTMENT OF EAST TENNESSEE,
January 11, 1864.

Maj. Gen. J. G. FOSTER,
Commanding Department of the Ohio:

SIR: I have the honor to acknowledge the receipt of your letter of the 7th of January, with its inclosures, &c.

The dissingenuous manner in which you have misconstrued my letter of the 3d instant has disappointed me. The suggestion which you claim to have adopted is in words as follows, viz:

I presume, however, that the great object and end in view is to hasten the day of peace. I respectfully suggest for your consideration the propriety of communicating any views that your Government may have on that subject through me, rather than by handbills circulated amongst our soldiers.

This sentence repudiates, in its own terms, the construction which you have forced upon it. Let me remind you, too, that the spirit and tone of my letter were to meet honorable sentiments.

The absolute want of pretext for your construction of the letter induces me to admonish you against trifling over the events of this great war. You cannot pretend to have answered my letter in the spirit of frankness due to a soldier. And yet, it is hard to believe that an officer commanding an army of veteran soldiers, on whose shoulders rests, in no small part, the destiny of empires, could so far forget the height of this great argument at arms; could be so lost in levity, and so betray the dignity of his high station, as to fall into a contest of jests and jibes.

I have read your "order announcing the favorable terms on which deserters will be received." Step by step you have gone on in the violation of the rules of civilized warfare. Our farms have been destroyed, our women and children have been robbed, and our houses have been pillaged and burnt.

You have laid your plans and worked diligently to produce wholesale murder by servile insurrection. And now, the most ignoble of all, you propose to degrade the human race by inducing soldiers to dishonor and forswear themselves. Soldiers who have met your own upon so many honorable fields, who have breasted the storm of battle in defense of their honor, their families, and their homes for three long years, have a right to expect more of honor, even in their adversaries.

I beg leave to return the copies of the proclamation and your order.
I have the honor to renew to you the assurance of great respect.

Your most obedient servant,

A. LONGSTREET,
Lieutenant-General, Commanding.

[Inclosure No. 4.]

GENERAL ORDERS, }
No. 4. }

HQRS. DEPARTMENT OF THE OHIO,
Knoxville, Tenn., January 6, 1864.

I. To secure uniformity in the treatment of deserters from the Confederate armies, the following orders will be observed:

Hereafter when such deserters come within our lines they will at once be conducted to the nearest division or post commander, who on being satisfied that they honestly desire to quit the Confederate service, will forward them to the provost-marshal-general at Knoxville, who, upon being satisfied of the honesty of their intentions, will allow them to proceed to their homes, if within our lines, upon taking the following oath:

I, ———, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will in like manner abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repeated, modified, or held void by Congress, or by decision of the Supreme Court; and that I will in like manner abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court: So help me God.

II. Such deserters will be disarmed on surrender, and their arms turned over to the nearest ordnance officer, who will account for the same.

III. The quartermaster's, engineer, subsistence, and medical departments will give such deserters employment when practicable, upon the same terms as to other employes in the U. S. service.

IV. Such deserters will be exempt from the military service of the United States.

By command of Major-General Foster:

HENRY CURTIS, JR.,
Assistant Adjutant-General.

[Inclosure No. 5.]

CIRCULAR } OFFICE PROV. MAR. GEN. FOR EAST TENNESSEE,
No. 9. } *Knoxville, Tenn., December 22, 1863.*

The following proclamation by the President of the United States, together with explanatory remarks contained in the message accompanying said proclamation, is published for the information of all concerned:*

NOTE 1.—With regard to that part of the oath referring to other proclamations of the President, the following remark occurs in the message:

It should be observed also that this part of the oath is subject to the modifying and abrogating power of legislation and supreme judicial decision.

NOTE 2.—In reference to the plan of reconstruction suggested in the proclamation, the following observations are also made:

Why shall A adopt the plan of B rather than B of A? If A and B should agree, how can they know that the General Government here will respect their

or proclamation (here omitted) see December 8, 1863, Series II, Vol. VI, p. 680.

plan? By the proclamation a plan is presented which may be accepted by them as a rallying point, and which will not be rejected here. This may bring them to act sooner than they otherwise would. The objection to a premature presentation of a plan by the National Executive consists in the danger of commitments in points which could be more safely left to further developments.

Care has been taken to so shape the document as to avoid embarrassment from this source. In saying that, on certain terms, certain classes will be pardoned, with their rights restored, it is not said that other classes, on other terms, will never be included. In saying that a reconstruction will be accepted, if presented in a specified way, it is not said that it will be accepted in no other way.

All persons interested are urged to accept the liberal terms offered by the President, in order that they may be restored to their former rights and privileges.

By command of Brig. Gen. S. P. Carter, provost-marshal-general of East Tennessee:

H. H. THOMAS,
Captain and Assistant Adjutant-General.

[Inclosure No. 6.]

HEADQUARTERS DEPARTMENT OF THE OHIO,
Knoxville, Tenn., January 17, 1864.

Lieut. Gen. J. LONGSTREET,
Commanding Confederate Forces in East Tennessee:

GENERAL: I have the honor to acknowledge the reception of your letter of the 11th instant.

The admonition which you give me against trifling over the events of this great war does not carry with it that weight of authority with which you seek to impress me. I am, nevertheless, ready to respond in plain terms to the suggestions conveyed in your first letter, and which you quote in your second dispatch, that I communicate through you any views which the United States Government may entertain having for their object the speedy restoration of peace throughout the land.

These views, so far as they can be interpreted from the policy laid down by the Government and sustained by the people at their elections, are as follows:

First. The restoration of the rights of citizenship to all those now in rebellion against the Government who may lay down their arms and return to their allegiance.

Second. The prosecution of the war until every attempt at armed resistance to the Government shall have been overcome.

I avail myself of this opportunity to forward an order publishing the proceedings, findings, and sentence in the case of Private E. S. Dodd, Eighth Texas Confederate Cavalry, who was tried, condemned, and executed as a spy.

I also inclose a copy of an order which I have found it necessary to issue, in regard to the wearing of the U. S. uniform by Confederate soldiers.*

I have the honor to be, general, very respectfully, your most obedient servant,

J. G. FOSTER,
Major-General, Commanding.

* Inclosure No. 7 (here omitted) contains General Orders, No. 8, Department of the Ohio, January 6, 1864, promulgating charges, findings, and sentence to death in the case of E. S. Dodd, Eighth Texas Cavalry, arrested and tried as a spy.

[Inclosure No. 8.]

GENERAL ORDERS, }
No. 7. }HDQRS. DEPARTMENT OF THE OHIO,
Knoxville, Tenn., January 8, 1864.

Our outposts and pickets posted in isolated places, having in many instances been overpowered and captured by the enemy's troops, disguised as Federal soldiers, the commanding general is obliged to issue the following order for the protection of his command, and to prevent a continuance of this violation of the rules of warfare:

Corps commanders are hereby directed to cause to be shot dead all the rebel officers and soldiers (wearing the uniform of the U. S. Army) captured within our lines.

By command of Major-General Foster:

HENRY CURTIS, JR.,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, January 26, 1864.

His Excellency Governor YATES,
Springfield, Ill.:

Your telegram of the 14th [15th] and also of yesterday are in the hands of Colonel Fry, Provost-Marshal-General, with directions to furnish you the information you desire. Colonel Fry informs me that he has already communicated to you the principal part of the information you wish. I am not aware that there has been at any time any just reason of complaint on your part of delay in answering your inquiries. It sometimes happens that they relate to matters which have to be carefully considered in connection with the information to be acquired at other points before a response can be given, but, except where some special reason prevents an immediate reply, it has always, so far as I am informed, been given either by myself or by the officer in charge of the subject to which your inquiries relate.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington, D. C., January 26, 1864.

Governor YATES,
Springfield, Ill.:

Colonel Fry refers to a letter forwarded by him on the 12th of January to Adjutant-General Fuller and a telegram of the 9th of January to General Fuller as his response to the inquiries in your telegram of the 8th, and has just made the following report to the propositions submitted in your telegram of the 15th:

The veteran regiments returning home for reorganization and furlough, referred to in the telegram from the Governor of Illinois, dated January 14 [15], 1864, are in the service of the United States, and should remain under the control of the U. S. officers, and not be placed under the orders of the Governor. However well this might work in the case of the Governor of Illinois, the principle is wrong, and such a precedent might lead to very troublesome consequences. I have no doubt Colonel Oakes can attend to these regiments in addition to what he is now doing, but if he cannot, I will ask to have additional officers sent to him. I hope the Governor will aid in the recruitment of these regiments, the same as is done under similar circumstances by the Governors of other States.

JAMES B. FRY,
Provost-Marshal-General.

The report of Colonel Fry is approved, and forwarded as the reply of this Department.

EDWIN M. STANTON,
Secretary of War.

SPRINGFIELD, ILL., *January 26, 1864.*

Hon. E. M. STANTON,
Secretary of War;

I respectfully ask that I have power to appoint officers for the negro regiments. We have four companies, and no officers.

RICHD. YATES,
Governor.

WAR DEPARTMENT,
Washington City, January 27, 1864.

Governor YATES,
Springfield, Ill.:

The system of organization for colored troops requires that the officers be appointed by the President under the act of Congress authorizing their employment. If you will nominate suitable officers, they will be appointed on your recommendation.

EDWIN M. STANTON,
Secretary of War.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 27, 1864.

His Excellency SAMUEL CONY,
Governor of Maine:

All men raised beyond the quota will be credited on next call. The question of drafting in delinquent towns where the State has furnished her quota on account of excess in liberal and patriotic towns is now being legislated upon in Congress.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., January 27, 1864.

GEORGE BLISS, JR., Esq.,
No. 50 Wall Street, New York:

SIR: In reply to your letter of this date, stating that the Twenty-sixth Regiment U. S. Colored Troops is recruited to the maximum, and requesting that the Union League Club be authorized to raise another colored regiment in the State of New York, I am directed to say that your request is granted; and the regiment will be known and designated as the Thirty-first Regiment U. S. Colored Troops. The instructions contained in Department letter of December 3, 1863, addressed to you, will govern in the organization of this regiment.

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General.

LOUISVILLE, *January 28, 1864.*

Hon. E. M. STANTON,
Secretary of War :

Just arrived. Will see the Governor of the State to-morrow and propose to him that I organize colored troops in Kentucky in the same manner as in Missouri.

L. THOMAS,
Adjutant-General U. S. Army.

INDIANAPOLIS, IND., *January 28, 1864.*

Hon. E. M. STANTON,
Secretary of War :

I believe I can induce some twenty or twenty-five infantry companies to enter old regiments that have re-enlisted. Will this meet with your approbation? Answer.

O. P. MORTON,
Governor of Indiana.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 28, 1864.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts, Boston, Mass. :

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant,* stating that several municipalities in your State, having already filled their quotas, are willing to continue encouraging enlistments, especially of recruits for old regiments and more especially the re-enlistment of old soldiers, if they can be assured that the surplus so enlisted by them will be credited upon future calls.

In reply I have the honor to inform you that there can be no doubt that such credit will be given, and I would thank you to renew this assurance to all persons directly or indirectly interested in the recruiting service in your State. It is important that the organizations composing our armies in the field be filled, if possible, to the maximum, and to attain this end at an early day it is especially desirable that the exertions now making throughout the States be in no wise abated.

I have the honor to be, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

NEW YORK, *January 28, 1864.*

Col. J. B. FRY,
Provost-Marshal-General :

You were mistaken in saying to Major Van Buren that I have adopted the views of the Governors at the expense of not carrying out my orders. In my intercourse with the Governors I have endeavored to secure all their assistance as indicated by the Secretary of War, who instructed me to visit them at once. There is now a perfect understanding. You are also mistaken in saying that no recruits have been made for the Ninth Corps. Every regiment of

* Omitted.

that corps that have the right to re-enlist have re-enlisted except the Seventy-ninth New York, which numbers less than 200 men. These regiments will all be filled in due time. I hope that no misunderstanding will arise to check the work. You may be sure of my disposition to carry out the wishes of the Department.

A. E. BURNSIDE,
Major-General.

SUPERVISORY COMMITTEE FOR RECRUITING COLORED REGTS.,
No. 1210 Chestnut Street, Philadelphia, January 28, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: Having nearly 600 men mustered in for the Twenty-fifth Regiment U. S. Colored Troops, I have the honor to request authority to recruit another regiment.

If the company of the Twenty-fifth which is ordered to Delaware on recruiting service were furnished with arms and got off on that duty, the new regiment, for which I have just asked authority to raise, could be completed in a very short time.

Permit me to renew our request that furloughs be granted to worthy well recommended non-commissioned officers and privates in the Army who seek admittance to our free military academy for the purpose of making themselves competent to command colored troops. I hope you will cause a review of the opinion which has determined that furloughs for such a purpose is inconsistent with the good of the service.

With great respect, your obedient servant,

THOMAS WEBSTER,
Chairman.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., January 30, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: I have the honor to recommend that the total quota of the draft under the enrollment act be fixed at 500,000, and that this entire first draft quota be now apportioned among the different localities in accordance with the opinion of Hon. William Whiting, Solicitor of the War Department, as contained in Circular No. 3, of January 7, 1864, from this office, and that these quotas be immediately communicated to all concerned. I would further recommend that the 10th of March next be fixed as the time for commencing the draft for these quotas in all localities where they are not furnished by the 1st of March.

You will observe that the President's call for men, dated October 17, 1863, was for 300,000. The foregoing proposition to make the total quota for draft 500,000 is virtually making an additional call for 200,000 men, less the number obtained by the late draft. I think it is best to make such an additional call, and to make it at this time. I assume that the Government will want the men. The disposition to engage in the war is at this time better, in my opinion, than it has been at any time since the first year of the rebellion. States, counties, and towns are now actively engaged in raising troops, and will, I think, be willing to bear the additional burthen.

Many localities have already raised their quotas of the 300,000 and stop only because no more is asked of them.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

Approved.

W. M. STANTON.

In the case of subjects of a foreign government having voluntarily entered the service as substitutes being discharged on ground of alienage.

OPINION.

WAR DEPARTMENT,
January 30, 1864.

Aliens, who are subjects of a foreign government, having voluntarily enlisted in the service of the United States as substitutes for drafted men, are not entitled to be discharged from such service by reason of alienage; but may, under the law of nations, be held to perform their engagements without giving the government to whom their allegiance is due just cause of complaint.

WILLIAM WHITTING,
Solicitor of the War Department.

CIRCULAR.] WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, January 30, 1864.
SUPERINTENDENTS OF VOLUNTEER RECRUITING SERVICE:

Paragraph 5 of the circular of December 15, from this office, is hereby modified as to authorize you to order veteran volunteers, after expiration of the furloughs, back to the armies and departments from which they were sent, without awaiting orders from this office. So soon as you have so ordered an organization to return, report by telegraph its strength and the recruits obtained, as the aforesaid paragraph directs. Give your personal attention to the execution of this order, and let there be no delay in returning the veterans to the field after furlough.

Please acknowledge the receipt of this.

By order:

THOMAS M. VINCENT,
Assistant Adjutant-General.

Governor MORTON,
Indianapolis:

WAR DEPARTMENT,
Washington City, January 30, 1864.

The measure proposed in your telegram of the 28th received yesterday—to put newly organized companies in the old regiments—has heretofore been considered by the Department and decided not to be advantageous to the service. On your application to me and to Colonel Fry, in your telegram of yesterday, it has been again considered and cannot be approved.

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 35. } Washington, February 1, 1864.

The following is an order of the President of the United States:

EXECUTIVE MANSION,
February 1, 1864.

Ordered, That a draft for 500,000 men, to serve for three years or during the war, be made on the 10th day of March next, for the military service of the United States, crediting and deducting therefrom so many as may have been enlisted or drafted into the service prior to the 1st day of March, and not heretofore credited.

ABRAHAM LINCOLN.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 38. } Washington, February 1, 1864.

I. Any volunteer who has been or may be accepted into the service and who serves faithfully his two years (continuous service) is entitled to the bounty provided by the act of July 22, 1861, no matter at what time since the commencement of the rebellion he entered the service of the United States, and this bounty will be paid upon the discharge of the soldier, as provided by the first paragraph of the Department General Orders, No. 137, of 1863.

II. When enlisted men are discharged within two years' service under circumstances that entitle them to the bounty provided by the sixth section of the act of Congress approved July 29, 1861, as amended by the act of March 3, 1863, the fact that the discharge is "by reason of wounds received in battle" will be stated on the discharge certificates, and the bounty due and remaining unpaid will be credited on their final statements, and be paid, like other arrearages, by the Pay Department.

III. Furloughed soldiers other than re-enlisted volunteers, who are unable to pay the transportation from and to their regiment, may be furnished with such by the Quartermaster's Department, the amount to be charged on their furloughs and deducted from their next pay. Quartermasters furnishing such transportation will immediately notify the respective company commanders, or in cases of soldiers on detached service, the officers by whom they are mustered for payment.

IV. When a drafted man is held to service the amount of traveling pay due him as allowed by section 6, act of March 3, 1863, from his place of residence to his place of rendezvous, will be entered in his descriptive list by the district provost-marshal, to be placed on the muster-roll of the company to which the man is assigned and paid by the Pay Department.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

LOUISVILLE, KY., February 1, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: Being informed at this place that the slaves of Kentucky, on the borders of Ohio, Indiana, Illinois, and Tennessee, were constantly

crossing the lines, and quite a number of them enlisting in organizations were for the distant States of Massachusetts and Michigan, I determined to see the Governor of this State and suggest the organization of regiments within its limits, and thus obtain a credit for the negroes in the State's quota, the plan to be similar to that adopted for Missouri.

I accordingly repaired to Frankfort and had a full conversation with Governor Bramlette, detailing my plan that the State might receive credit for the colored troops, and that the owners of the slaves might receive from the recruiting officers certificates for all slaves who might enlist. The Governor stated that the State was undoubtedly loyal and would support the Government, but that the slavery question had caused great excitement in the State, and he dreaded any agitation at present, and sincerely hoped that the authorities at Washington would take no steps in the matter, believing that any movement to raise colored troops in the State would be injurious to the Union cause, which of late had so greatly increased. I assured him that such being his views, I would take no steps to organize regiments at this time without I received instructions from you. He then referred to assurances given by the President to him that recruiting would not be ordered. He further said that he was receiving many complaints from the vicinity of Paducah, where it was stated that recruiting had recently commenced, and that he should call the attention of the War Department to the subject, as the excitement of the people in the first Congressional District was very great.

I informed him that a regiment of heavy artillery had been authorized for the garrison of Paducah.

I conversed freely with very many Senators and Representatives at Frankfort, and the expression of sentiment was universal, agreeing fully with the views of the Governor.

The citizens of Kentucky, by a large majority, are loyal, and the Legislature eminently so; but with politicians there are many shades of difference, only known to themselves, and which I could not comprehend. They regard the institution as virtually dead, and feel that it would be of benefit to the State to be entirely rid of slavery; but the people, while progressing in the right direction, have not schooled themselves to believe that the time has arrived for decisive action on their part for the entire abolition of slavery.

My presence at the State capital was the occasion of quite an excitement amongst all classes, male and female, the opinion being fully expressed that I could only be there to take their negroes from them and put arms in their hands. I was, however, received with great kindness, and when my views were known all were perfectly satisfied.

I think it would be injudicious to attempt raising troops in this State at present, and it might be well to suspend operations at Paducah, and let me, if necessary, raise a heavy artillery regiment for its garrison elsewhere. I desire instructions on the subject.

I shall leave to-morrow for Nashville, where communications will reach me. General Grant is expected to arrive here to-night from Saint Louis.

I have the honor to be, very respectfully, your obedient servant,
L. THOMAS,
Adjutant-General.

SPRINGFIELD, ILL., *February 1, 1864.*

Col. J. B. FRY:

Your dispatches of the 26th and letter of the 18th ultimo were received on the 28th ultimo. My adjutant-general, by my direction, telegraphed you inquiring if 145,100 was the total quota of this State under all calls made by the Federal Government on the 9th [8th] ultimo. You answered him that all matters relating to draft would be considered in time.* This answer is not satisfactory, and I now respectfully request a definite answer to that inquiry.

RICHARD YATES,
Governor.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 42. } *Washington, February 2, 1864.*

The following regulations for the care of field-works and the government of their garrisons, prepared by Brigadier-General Barry, inspector of artillery, U. S. Army, are published for the government of all concerned:

1. It is the duty of the commanding officer of each work to provide for the care of the armament and the safety and serviceable condition of the magazines, ammunition, implements, and equipments; and by frequent personal inspections to secure the observance of the rules prescribed for this purpose.
2. The fixed armament, consisting of the heavy guns and those the positions of which are prescribed, will be numbered in a regular series, commencing with the first gun on the right of the entrance of the main gate. Where there are platforms temporarily unoccupied by guns they will be numbered in the regular series. The ammunition will be kept in the magazines, with the exception of a few stand of grape, canister, and solid shot, which will be piled near the guns.
3. The gun carriages will be kept clean and all axles and journals well lubricated. They will be traversed daily, and never be allowed to rest for two successive days on the same part of the traverse circle. If the gun carriage does not move easily on the chassis the tongue will be occasionally greased. The upper carriage should not rest habitually on the same part of the chassis.
4. The elevating screw and its box will be kept clean and well greased. When the guns are not in use the screw will be run down as far as it will go, the breech of the piece being first raised until the muzzle is sufficiently depressed to prevent water running into it, and kept in that position by a wooden quoin or block. The limber should be kept in the muzzle and the apron over the vent.
5. The piece is not to be kept habitually loaded. It will be time to load when the enemy appears, or when special orders to that effect are given.
6. The commanding officer will see that a shed is constructed for the implements and equipments. For each drill these will be issued to the gunners by the ordnance sergeant, or other non-commissioned officer acting as such, who will receive and put them away after the drill is over, and be at all times responsible to the commanding officer for their safety and serviceable condition, and that the supply is adequate. When sheds cannot be provided, the implements will be kept near the pieces or in the bombproofs. The equipments (haversacks,

* See January 9, p. 17.

tube pouch, &c.) may be kept at the entrance of the magazine, where they will be sheltered. Platforms for projectiles will be laid near the guns; for canisters, a couple of pieces of scantling for skids will answer. A watershed, made by joining two boards together at the edges, should be placed over them. When the wooden sabots become wet they swell and burst the canisters, so that they cannot be put into the gun. When this happens dry the sabot until it shrinks sufficiently for the canister edges to be brought together and tacked.

7. When not supplied by the Engineer Department materials for constructing the sheds and for skidding will be furnished by the Quartermaster's Department, on requisitions made to the Chief of Artillery.

8. The magazines must be frequently aired in dry weather. For this purpose the ventilators and doors must be opened after 9 a. m., and must be closed at latest two hours before sunset. The ammunition for different classes of guns will be carefully assorted, and the shelves, boxes, or barrels containing each kind plainly marked. When there is more than one magazine the ammunition will be so distributed as to be near to the particular guns for which it is provided. Cartridges must be moved, and, if necessary, rolled once a week to prevent caking of the powder. In doing this care must be taken not to pulverize the grains. Friction-primers must be kept in the tin packing boxes and carefully protected from moisture. They will be frequently examined and dried by exposure to the sun. This must always be done immediately after wet weather of long continuance. The supply of friction-primers for each gun must be 50 per cent. greater than the number of rounds of ammunition provided for it. A dozen primers will always be kept in the tube pouches in use at each gun. Three lanyards will be provided for each gun, one of which will be kept in store, the other two in the tube pouches. As soon as received the hooks will be tested to see if they are sufficiently small to enter the eye of the primer, and yet strong enough for use.

9. In order that practice may be had in the use of friction-primers, authority is given to expend on drill five per gun each month. These primers will always be taken from those longest at the post.

10. There should be one lantern for every three or four guns, and two good globe lanterns for each magazine.

11. No person will be allowed to enter the magazine except on duty, and then every precaution against accidents will be taken. Lights must always be in glass lanterns, and carried only by the person in charge of the magazine. Swords, pistols, canes, spurs, &c., will not be admitted, no matter what may be the rank of the person carrying them. Socks or moccasins will be worn, if they can be procured; if they cannot, then all persons must enter with stocking-feet. No fire or smoking will be allowed in the vicinity when the doors or ventilators are open. Too many precautions cannot possibly be taken to avoid the chances of an explosion.

A copy of this paragraph, legibly written, will be conspicuously posted near or on the door of every magazine.

12. Companies will be assigned to guns in such proportions as will furnish at least two, preferably three, reliefs in working them, and sufficient men in addition for supplying ammunition from the magazines. From fifteen to twenty men should therefore be assigned to each gun and instructed in its use. Companies should habitually serve the same guns, each man being assigned a special number at the gun, and thoroughly instructed in all its duties. As occasion

offers, all of the officers and enlisted men should be instructed at each of the different kinds of gun at the post, as well as in the duties of all the numbers at each gun. Every night at retreat or tattoo the men who are to man the guns in case of a night attack should be paraded at their pieces and inspected, to see that all their equipments, implements, and ammunition are in good order, and the guns in serviceable condition and easy working order. The men so stationed should "call off" their numbers before being dismissed. In case of alarm at night all should repair at once to their posts, equip themselves, and await orders, without losing time by forming upon their company or battalion parade grounds.

13. Each gun should be under charge of a non-commissioned officer, and to every two or three guns should be assigned a lieutenant, who will be responsible to the captain for their serviceable condition at all times. The captain will be responsible to the commanding officer for the condition of the pieces and the instruction of the men of his company. Artillery drills will be frequent until all of the men are well instructed, and there will never be less than one artillery drill per day when the weather will permit, nor will any officer be excused from these drills unless it is unavoidable. For action, all the cannoniers not actually serving the guns will be provided with muskets, and will be stationed near the guns to which they belong, for service on the banquettes or elsewhere, in case of assaults.

14. Each company should be supplied with three copies of the Tactics for Heavy Artillery, and rigidly adhere to its directions. Tables of ranges will be found in the work. One copy of Instructions for Field Artillery should be supplied to each company. All authorized books can be obtained on written application to the chief of artillery, who will obtain them from the Adjutant-General of the Army. The books so drawn are the property of the United States for the use of the company, and will be accounted for on the muster-rolls.

15. The commanding officer will make himself conversant with the approaches to his work, the distance to each prominent point commanded by his guns, the nature of the ground between them and his post, and the most probable points of attack upon it. He will also make it his duty to see that all of his officers, and, as far as possible, his non-commissioned officers, are thoroughly acquainted with these matters. The distances will be ascertained by actual measurement and not left to conjecture. Tables of ranges or distances for each point, and the corresponding elevation, according to the nature of the projectile, with the proper length or time of the fuse, when shell or case-shot are used, will be made out for each gun and furnished to the officer and non-commissioned officers serving it. These tables should be painted upon boards and securely fastened in a conspicuous place near the gun. As these tables differ for different kinds of gun, the same men should be permanently assigned to the same piece.

16. The projectiles should be used in their proper order. At a distance, solid shot; then, shells or case-shot, especially if firing at troops in line; canister or grape is for use only at short ranges. When columns are approaching so that they can be taken in direction of their length, or very obliquely, solid shot is generally the best projectile, because of its greater accuracy and penetrating power. If the column consists of cavalry, some shells or case-shot will be useful, from the disorder their bursting produces among the horses; but shells and case-shot should not be used against any troops when moving rapidly.

The absolute distances at which the projectiles can be used with effect vary with the description and caliber of the gun, and can be ascertained only by consulting the tables of ranges. The prominent points on the approaches to the works should be designated, their distances noted, and directions drawn up for the different kinds of ammunition to be used at each gun for these different points. During the drills the attention of the chief of pieces and gunners should be frequently drawn to this subject.

17. Commanding officers will pay special attention to the police and preservation of the works. All filth will be promptly removed and the drainage particularly attended to. No one should be allowed to walk on the parapets, or move or sit upon the gabions, barrels, or sand-bags that may be placed upon them. When injuries occur to the earth-works they should be repaired as quickly as possible by the garrison of the work. If of a serious nature, they should be at once reported to the engineer officer in charge of the work. All injuries to the magazines or platforms of the guns will be promptly reported as soon as observed. The abutts, being a most important portion of the work, must be always well looked to and kept in perfect order.

18. Special written or printed instructions as to the supply of ammunition at the different posts, and the proportion for the different classes of guns, will be furnished by the chief of artillery to the commanders of posts. Instructions will also be furnished as to the special objects of each work, on proper application for this purpose to the chief engineer or chief of artillery.

19. No person not officially connected with the garrisons of the field-works will be allowed to enter them, except such as visit them on duty, or who have passes signed by competent authority; nor will any person except commissioned officers, or those whose duty requires them to do so, be allowed to enter the magazines, or touch the guns, their implements, or equipments.

20. The garrison can greatly improve the work by sodding the slopes of the parapet, and those of the rumps and banquettes, or by sowing grass seed on the superior slope, first covering it with surface soil. The grass-covered or sodded portions of the parapets, traverses, magazines, &c., should be occasionally watered in dry weather and the grass be kept closely cut. Early in the spring and late in the autumn they should be covered with manure.

21. As a great deal of powder is wasted in unnecessary salutes, attention is called to paragraph 268 of Army Regulations, edition of 1861-1863:

268. A general officer will be saluted but once in a year at each post, and only when notice of his intention to visit the post has been given.

22. The practice of building fires on the open parapets, for cooking and other purposes, is prohibited, as it endangers the magazines.

23. The armament of a fort having been once established, will not be changed except by authority of the commander of the district, geographical department, or army corps, and then only on consultation with the chiefs of engineers and artillery.

24. The machinery of the Whitworth, or other breech-loading guns, will not be used except by special orders from the commanding officer of the post.

25. Experience having conclusively shown that rifled guns, of large caliber especially, must be subjected to most careful treatment and skillful management in order to secure their maximum efficiency,

both in range and penetration, and especially their maximum endurance, the attention of all officers using rifled guns of large calibers is called to the following rules: Sponges well saturated with oil shall alone be used; and for this purpose the necessary supply of oil shall be provided for all batteries of position in which rifled guns form the part or whole of its armament. A little grease or slush upon the base of the projectile adds much to its certainty, and should be always used when possible. The bores of the guns should be washed, and the grooves cleaned of all residuum and dirt subsequent to the firing, after the gun has cooled. Great care must be taken to send the projectile home in loading, that no space may be left between the projectile and the cartridge.

Before using shells, unless already loaded and fused, they must be carefully inspected both on their exterior and interior, and scrapers should be used to clear the cavity of all molding sand before charging the shell. Special attention should be given to the insertion of the fuses, and the threads of the fuse-hole should be carefully cleaned before screwing in the fuse. In all Parrott projectiles it should be carefully observed that the brass ring or cup is properly wedged, and that, in the case of the ring, the cavities between it and the projectile are not clogged with dirt or sand.

In loading shells care will be taken to fill them entirely with powder, leaving no vacant space after the fuse is screwed in.

For the 10, 20, and 30 pounder Parrott guns powder of too large a grain should not be used. The best powder for the projecting charge of these guns is what is called "mortar powder."

26. Pole-straps and pole-pads of field limbers, not belonging to horse batteries, are to be kept in the implement room or in the trays of the limber chest. They should be occasionally washed and oiled, as prescribed for the care of harness in Field Artillery Tactics.

27. The forts will be inspected daily by their commanding officers; and by the brigade, division, district, or department commanders, and by the chief of artillery, as frequently as possible. Particular attention will be paid at all inspections to the drill and discipline of the garrison and police of the work; to the condition of the armament, ammunition, and magazines, and as to whether the proper supply of ammunition, implements, &c., is on hand at the post.

INSTRUCTIONS FOR FIRING.

1. The firing in action should be deliberate—never more than will admit of accurate pointing. A few shots effectively thrown is better than a large number badly directed. The object in killing is to inspire terror so as to deter or drive off the enemy, and precision of fire and consequent certainty of execution is infinitely more important in effecting this than a great noise, rapid firing, and less proportional execution.

2. To secure accuracy of fire the ground in the neighborhood must be well examined, and the distance to the different prominent points within the fields covered by each gun measured and noted.

The gunners and cannoneers should be informed of these distances, and in the drills the guns should be accurately pointed at the objects noted in succession, the gunner designating it, calling the distance in yards, and the corresponding elevation in minutes and degrees, until all the distances and corresponding elevation are familiar to the men.

When hollow projectiles are used the time of flight corresponding to the distance must be given to the man who goes for the projectile. He tells the ordnance sergeant, or the man who furnishes the ammunition, and the latter cuts the fuse to burn the required time.

3. The gunner is responsible for the aiming. He must therefore know the distance to each prominent object in the field covered by his gun, the elevation required to reach that point, and the time of flight of the shell or case-shot corresponding to each distance or elevation. He must have a table of these ranges, taken from the *Heavy Artillery Tactics*, pages 236 to 247 (edition of 1862). *a*

4. These tables will be promptly prepared under the direction of the commanding officer, and copies furnished for each gun and used habitually in the drills. They will be examined and verified by the chief of artillery.

5. The attention of all officers in charge of artillery in the works is directed to the articles in the *Tactics* on "Pointing guns and howitzers," "Night firing," &c., pages 76 to 90.

6. Commanding officers of the works will keep themselves accurately informed of the amount and kinds of ammunition in the magazines. The supply must always be kept up to the amount prescribed by the chief of artillery or other competent authority. When it is less than that amount a special report of the fact will be made to the chief of artillery, with requisitions for the ammunition necessary to complete the supply. Commanding officers will also see that the necessary equipments are always on hand for the service of all the guns, as prescribed in the tactics or in general orders.

7. Hand grenades are intended to be used against the enemy when he has reached such parts of the defenses (the bottom of the ditch, for example) as are not covered by the guns or by the muskets of the infantry posted on the banquette.

8. After the enemy has passed the abatis and jumped into the ditch hand grenades will be used; and then if he mounts the parapet he must be met there with muskets. A resolute defense against

a NOTE.—(The last table on page 240 should read 8-inch sea-coast howitzer on barbette carriage, instead of 8-inch sea-coast mortar.)

For example: The cartridges for the 24-pounder guns all weigh six pounds, as issued in the *Defenses of Washington*. The table (p. 230) therefore applies as follows:

Twenty-four-pounder gun on ship or barbette carriage.

Cartridge.	Ball.	Elevation.	Range.	
Lbs.			Yards.	
0	Shot	0 0	412	That is, the bare (not fixed) lining level, a range of 300 yards.
0	do	1 0	842	1 degree elevation, range about 850 yards.
0	do	1 30	953	1½ degrees elevation, range about 950 yards.
0	do	2 0	1,147	2 degrees elevation, range about 1,150 yards.
0	do	3 0	1,317	3 degrees elevation, range about 1,300 yards.
0	do	4 0	1,686	4 degrees elevation, range about 1,600 yards.
0	do	5 0	1,901	5 degrees elevation, range about 1,900 yards. The extreme range of 24-pounder round shot.

Thus, supposing the enemy at a point 1,000 yards distant, by looking at the table it will be observed that 950 yards require 1° 30' elevation; 1,150 yards require 2°; therefore, elevate a very little—5' to 10' over 1° 30', or simply give 1° 30' full.

assault must also be made by posting men with muskets so as to fire over the tops of traverses, bombproofs, or magazines.

By command of Major-General Halleck :

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, } HQRS. OF THE ARMY, ADJT. GEN.'S OFFICE,
No. 52. } Washington, February 2, 1864.

1. Brig. Gen. Julius White, U. S. Volunteers, will proceed without delay to Springfield, Ill., and relieve Brig. Gen. J. M. Corso, U. S. Volunteers, in command of the depot for drafted men at that place.

* * * * *

By command of Major-General Halleck :

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, D. C., February 2, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: In reply to your communications of the 29th ultimo and 1st instant I have the honor to report that the quantity of clothing now on hand, exclusive of that already distributed to the provost-marshals, the draft rendezvous, and to the depots of the armies in the field, is, with the exception of a few items, sufficient for the equipment of 200,000 men either white or colored, the uniform being the same for both. For those items of equipment which are partially deficient contracts are already made and in process of fulfillment, which, it is presumed, will enable the Quartermaster's Department to meet with promptness any immediate demands within the above-mentioned limits that may be made upon it.

In reply to the question as to the number of men this department will be prepared to clothe in three months from this date, the Secretary of War is respectfully informed that the officers in charge of the purchasing depots at New York, Philadelphia, and Cincinnati are acting under instructions from this office under date of March last to the effect that they each endeavor to accumulate as a reserve stock, in addition to the current wants of the service, a supply of clothing sufficient for the immediate equipment of 100,000 men; and in October last, in view of the President's call for 300,000 men, this number was increased for the New York and Philadelphia depots to 150,000 men each. From the stock thus provided there has been since the date of the call (19th October) issued to the provost-marshals and local quartermasters, especially for the new levies, a supply of clothing sufficient to equip a little more than 100,000 men, which, together with what had already been distributed and was remaining in the hands of those officers, has been sufficient to clothe from 150,000 to 200,000 men. Under the existing arrangements, as above stated, it is believed, if the supply in the market, which is said to be short of kerseys, shall equal the demand, that the department will be able to provide in due time the balance of clothing—say for 150,000 men—that will be required to furnish the additional 200,000 called into service by the President's order for a draft the 1st instant.

RECAPITULATION.

Already distributed to provost-marshals and rendezvous outfits for	150,000
Quantity on hand, exclusive of that in large field depots	200,000
Quantity to be provided	150,000
	<hr/> 500,000

I have no doubt the department will be able to provide the quantity stated.

I have the honor to be, very respectfully, your obedient servant
M. C. MEIGS,
Quartermaster-General.

NEW ORLEANS, February 2, 1864.

[President LINCOLN:]

SIR: An increase of business men from the North and West in New Orleans and the accumulation of funds make it impossible to resist the pressure in favor of opening trade with the people beyond the lines of the army. If it is refused, as it steadily has been by me, the profits of an illicit commercial intercourse are so gigantic that it is almost impossible to prevent the subordination of subordinate officers. So long as the unauthorized trade continues it will be managed according to the interests of those engaged in it, and the result is that guerrillas and small detachments of rebel troops on the east bank of the river receive their supplies, not only of clothing, but of equipments and arms, from persons doing business in New Orleans, who are stimulated and are enabled to transact their business through the numerous profits attending the change of these products for cotton with the agents of the enemy. I am satisfied that if the blockade upon the west bank of the river could be made completely effective the rebel army would be in a great measure compelled to abandon the coast and a greater part of Louisiana and Texas within a short time. I believe the time has come when the Government will be compelled to establish some regulations controlling this trade.

There are two principles which must be established in any trade regulations. The first is that private parties should not be allowed to appropriate rebel property to their own use. The property of the rebel Government, as far as possible, should be applied to the payment of the expenses of the war. The second is that no property in considerable amount should be allowed to pass through the port of New Orleans with the consent of the Government officers, unless there is sufficient guarantee that it could not be used for the purchase in Europe of rams or other vessels to prey upon and destroy American commerce; otherwise, when indemnity shall be demanded, it will be answered that the purchase money for such vessels passed through the hands of the Government with the knowledge of its officers. I have myself never consented to any commerce of this kind, but have recommended always to the Government to take a guarantee for security against possible wrong.

There are in the State of Louisiana about 105,000 bales of cotton belonging to the rebel Government, for which it has title papers from the private owners. In Arkansas and Texas there is probably as much more, making at least 200,000 bales of cotton, the exclusive property of the rebel Government.

The state of the rebellion and the impoverished condition of its officers west of the Mississippi is such that they are willing to take measures for the preservation of this cotton wherever it may be found, and allow it to be taken and sold by the officers of the Govern-

ment, appropriating the proceeds, except 18 cents a pound to be reserved for their use in the hands of the chief quartermaster, until satisfactory guarantees are given that it is not to be used by any person in hostile acts against the United States, it being understood that no objection will be made to this portion of the proceeds of the cotton being paid to any private parties for private personal use wherever they may be. The effect of such an arrangement will be, first, to put into the Treasury of the United States—which will be paid over to the assistant treasurer of this department upon its receipt—from two-thirds to three-quarters of the value of this cotton, whatever its quantity may be; second, to deprive the rebel Government of any possible advantage hereafter of the appropriation of this property to its use by any chance whatever; third, to relieve our manufactories and increase our commerce to this extent, whether it be more or less; and fourth, to demoralize the principal and subordinate officers of the army west of the Mississippi by providing them with means for escaping from the service in which they are engaged, it being evident that a man who has secured to himself, within the limits of the United States, a competency for himself or his family, will not continue to risk his life in a hopeless cause. The effect of the introduction of this cotton to the market will be material to the Treasury Department of the United States in two ways: First, it will stop the drain of gold to New Orleans, which is continually taking place, for shipment within the rebel lines for purchase of this cotton upon private speculation. The drain upon the gold market for this purpose is a serious one, and cannot but be felt by the Treasury Department. In the second place, it substitutes property to this extent, which is the equivalent of gold both in our own and in the European market. From this brief statement it seems to me that the Government will obtain, if the project can be carried through, most important advantages, and guarantee itself against any possible injury that may arise from the shipment of this property, and that it will at the same time regulate and control a business which cannot be prevented, and which cannot otherwise be carried on without serious injury.

Believing this to be the case, I have directed the quartermaster to enter into any arrangement with private parties representing the chief rebel officers to carry into effect this operation.

Copies of the papers are herewith inclosed, to which I ask early attention.* I transmit them by this mail, in order that should the proposition be disapproved by the Government, immediate information may be given. It cannot go into effect until our armies shall move into the Red River country.

A second proposition, to which a second paper herewith inclosed refers, is of the same character, but differing a little in terms.* It relates to the shipment of 15,000 bales of cotton to the mouth of Red River, or to some more convenient point on the Mississippi, within one month, securing to the parties engaged in this a certain amount of the proceeds of this cotton, which is stated in the papers, and leaving the balance in the hands of the Government of the United States for its own use; the whole of it, with the exception of \$100,000, to remain under the control of the United States until that part which is to be appropriated to individuals engaged in the transaction can be safely paid to them without a possible injury to this Government. This also probably relates to cotton belonging to the rebel Government, although it is not so specified.

* Not found as inclosures and not otherwise identified.

A third proposition which I have to make upon this subject covers, with the two preceding, the whole question of cotton trade, which is to allow the importation from beyond the lines of the army of cotton belonging to private parties, which is not, and has not been, owned by the rebel Government, for sale in American markets; one-third of the quantity of cotton in kind, or its proceeds in interest-bearing bonds of the United States, to be held by the Government officers until the Government at Washington shall be satisfied that it can be used for no hostile purposes, and shall order its payment to the individuals who may deposit it for that purpose. I am informed that if these three propositions can be carried into effect that from 200,000 to 300,000 bales of cotton can be brought into the market, and that a greater part of the whole can, in the way I have specified, be appropriated to the use of the Government of the United States as a means of carrying on the war. It will not assist, but, on the contrary, weaken the enemy; it will not diminish, but facilitate and strengthen our operations against the enemy.

The Government will be represented by the quartermaster, who will be obliged to render full accounts of all the details of the transaction, both of the money reserved for the Government and of the individuals to whom that portion not reserved for the Government is paid; and this money will be turned over to the Assistant Treasurer of the United States as it is received. I am unable to perceive that there is any danger or opportunity for disreputable proceedings on the part of the officers of the Government, or that it will in any way compromise its honor; and I recommend the approval of these measures, or, in the event of disapproval, ask that early information may be given to me upon the subject for my guidance.

I have the honor to be, with much respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, February 2, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General, Washington:

SIR: I have the honor to inclose to you a resolution of the General Assembly of this State, passed at its recent session, approved January 15, 1864, and to say that in carrying out the wishes of the Assembly, expressed in that resolution, I would ask your attention to your communication of the 3d of December, 1863,* to Maj. D. D. Perkins, acting assistant provost-marshal-general of this State, and by him communicated to this department, covering a copy of your letter to Messrs. Bell and Bogart,† and stating that "the principles therein announced will, so far as they may be applicable, govern with regard to the State of Connecticut." In your communication to Messrs. Bell and Bogart, to which I would refer you, you made use of the following language:

First. That quotas be apportioned to towns and wards in the several Congressional Districts in the State of New York, and that assurance be given to such towns and wards as may furnish their full quota of volunteers, under the recent call of the President for 300,000 men, that they will be exempt from the pending draft, should one be rendered necessary in January next.

Second. That the several towns and wards receive credit for all such volunteers

* See Vol. III, this series, p. 1116.

† *Ibid.*, p. 1108.

as may have been mustered into the service of the United States since the draft, and that the number so credited be deducted from their proportion of the quota assigned the State under the recent call.

I thereupon issued an address to the people of Connecticut, a copy of which is herewith inclosed. Acting upon these declarations the towns of this State, and especially those which are earnest in the support of the Government, anticipating a relief from the incubus which was forced upon them when the district at large was required to supply the deficiency occasioned by the tardiness of less loyal towns, with commendable energy and much success, made vigorous efforts to comply with the demands of the Government.

Their estimates of the demand made upon them were predicated upon the quota apportioned, based upon their proportionate share of the district quota, and determined from the U. S. enrollment.

I would further call your attention to a telegram of the date December 29, 1863, from you to Major Perkins, and by him furnished to me, as follows:

The rule established in relation to credits is to credit to the locality in which they enlist and accept bounty, without regard to the place where they may have been originally enrolled under the enrollment act.

Under this last decision you will notice that when men who have been enrolled in one town or sub-district and who have been induced to enlist in and accept bounty from some other, the ability of the town where they reside and are enrolled to meet the requisitions of a draft when ordered by the Government is diminished. This may be carried to such an extent in some towns that the entire arms-bearing population which remains will not be sufficient to furnish the quota. In like manner the towns which shall have thus induced enlistments may furnish their full quota from other districts and shield their active population from a draft and the performance of the duty required. I would therefore earnestly and respectfully urge upon your notice these views, and request that you will, if possible, accede to the wishes of our General Assembly, believing that by so doing the loyal people of this State will be encouraged and stimulated to still greater exertions than they have yet made in support of the Government and the Administration.

I am, very respectfully, your obedient servant,

WM. A. BUCKINGHAM,
Governor of Connecticut.

[Inclosure No. 1.]

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, December 7, 1863.

For the information of the public, I hereby announce that the War Department has authorized the following principles to govern in raising the quota of Connecticut under the present call for 300,000 men:

First. Quotas will be apportioned to the several towns in the several Congressional districts, and such towns as may furnish their full quota of volunteers under the recent call of the President for 300,000 men will be exempt from draft, should one be rendered necessary in January next.

Secend. The several towns will receive credit for all such volunteers as may have been mustered into the service of the United States since the draft, and the number so credited will be deducted from their proportion of the quota assigned the State under the recent call.

WM. A. BUCKINGHAM.

[Inclosure No. 2.]

GENERAL ASSEMBLY,
November Special Session, A. D. 1863.

Whereas, His Excellency the Governor, by a general order, gave notice that the towns should receive credit for all volunteers mustered into the service of the United States under recent call of the President, and that the number so credited should be deducted from their proportion of the quota assigned the State under said call; and

Whereas, under an order of the Provost-Marshal-General of the United States, volunteers enrolled and actually residing in certain towns have been credited to other towns paying local bounties; Therefore

Resolved, That His Excellency the Governor be requested to procure such a modification of the order of the Provost-Marshal-General as will enable the provost-marshals of Connecticut to give credit for volunteers to the towns where such volunteers were enrolled or resided at the time of being mustered into the service of the United States.

Approved January 15, 1864.

DES MOINES, IOWA, February 2, 1864.

ABRAHAM LINCOLN, *President*:

I have just received a copy of your order for a draft of 500,000 troops after the 10th of March. There will be no draft in Iowa. You shall have our quota without it. We are coming, Father Abraham, with 500,000 more.

By order of Governor Kickwood:

N. B. BAKER.

Exhibit of the number of soldiers furnished by the several States and Territories for the Volunteer Army of the United States under the calls of 1861 and 1862.

States.	Furnished.				
	Under the acts approved July 22 and July 25, 1861, for 500,000 men, respectively (2 years).	Under the acts approved July 22 and July 25, 1861, for 500,000 men, respectively (2 years).	Under the acts approved July 22 and July 25, 1861, for 500,000 men, respectively (12 months).	Under call of July 2, 1862 (1 year).	Under call of Aug. 4, 1862, for 200,000 militia (9 months).
Connecticut	10,806			0,105	5,402
Delaware	1,820			2,608	1,700
Illinois	84,052			58,680	
Indiana	58,043		1,608	30,350	837
Iowa	24,087			24,438	11,707
Kansas	0,653			2,030	
Kentucky	20,008		5,120	6,403	
Maine	18,104			0,644	
Maryland	0,755			3,580	7,020
Massachusetts	32,177			10,610	1,016
Michigan	23,640			17,056	
Minnesota	5,770		1,107	4,020	
Missouri	22,324		190	28,321	82,715
New Hampshire	8,338			0,300	
New Jersey	11,523			5,400	1,730
New York	60,291	30,050		78,005	10,787
Ohio	83,253		803	58,025	1,781
Pennsylvania	85,100			30,891	2,730
Rhode Island	0,280			2,742	3,708
Vermont	9,608			2,050	
West Virginia	12,757			4,000	4,781
Wisconsin	25,400			4,025	1,148
				14,472	958

^a Not called for by proclamation.

^b In 1861.

Number of soldiers furnished by the several States and Territories, etc.—Continued.

States.	Furnished.				
	Under the acts approved July 22 and July 25, 1861, for 500,000 men, respectively (3 years).	Under the acts approved July 22 and July 25, 1861, for 500,000 men, respectively (2 years).	Under the acts approved July 22 and July 25, 1861, for 500,000 men, respectively (12 months).	Under call of July 2, 1862 (3 years).	Under call of Aug. 4, 1862, for 500,000 militia (9 months).
District of Columbia.....	1,705			1,107	
California.....	5,701			1,750	
Washington Territory.....	895				
Oregon.....	602			16	
Nevada Territory.....				210	
Dakota Territory.....	87			91	
Colorado Territory.....	1,453			409	
New Mexico.....	884			21	
Nebraska.....				81	
Tennessee.....	3,080			8,088	1,108
Total.....	671,410	30,050	9,050	430,202	87,558

States.	Quotas.			Dates involved as to troops furnished.
	Under the acts of July 22 and 25, 1861 (3 years).	Under call of July 2, 1862 (3 years).	Under call of Aug. 4, 1862, for militia (9 months).	
Connecticut.....	13,057	7,145	7,145	1862.
Delaware.....	3,116	1,720	1,720	May 14
Illinois.....	47,785	20,148	20,148	June 30
Indiana.....	38,632	21,250	21,250	June 11
Iowa.....	10,810	10,570	10,570	May 20
Kansas.....	8,235	1,771	1,771	June 11
Kentucky.....	27,237	14,805	14,805	June 30
Maine.....	17,500	8,000	8,000	June 30
Maryland.....	16,678	8,552	8,552	May 20
Massachusetts.....	34,808	10,080	10,080	June 30
Michigan.....	21,857	11,080	11,080	May 10
Minnesota.....	4,890	2,081	2,081	May 20
Missouri.....	91,544	17,200	17,200	June 10
New Hampshire.....	8,234	5,053	5,053	Oct. 7
New Jersey.....	10,162	10,478	10,478	May 20
New York.....	109,050	60,705	60,705	May 10
Ohio.....	67,305	60,868	60,868	June 11
Pennsylvania.....	82,825	45,321	45,321	June 10
Rhode Island.....	4,055	2,712	2,712	June 3
Vermont.....	8,050	4,808	4,808	May 10
West Virginia.....	8,497	4,050	4,050	May 14
Wisconsin.....	21,733	11,004	11,004	June 30
District of Columbia.....	1,627	800	800	June 30
California.....				Oct. 17
Washington Territory.....				
Oregon.....				
Nevada Territory.....				
Dakota Territory.....				
Colorado Territory.....				
New Mexico.....				
Nebraska.....				
Tennessee.....				
Total.....	611,827	331,835	331,835	

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
February 2, 1864.

Number of soldiers furnished by the several States and Territories, etc.—Continued
 SUPPLEMENT TO FOREIGN EXHIBIT.

States.	Prior to July 3, 1862.				Subsequent to July 3, 1862.			
	Number under calls prior to July 3, 1862.	Adjustments.	Recruits.	Total.	Number under calls of July 3, 1862.	Adjustments.	Recruits.	Total.
Connecticut.....	10,314		551	10,865	7,832		1,375	9,207
Delaware.....	1,703		151	1,854	2,325		183	2,508
Illinois.....	68,080	10,122	700	78,902	55,833		68,083	123,916
Indiana.....	54,253	3,791	1,030	59,074	28,321	1,211	704	30,236
Iowa.....	20,010		1,077	21,087	14,785		1,053	15,838
Kansas.....	0,850		177	1,027	1,777		150	1,927
Kentucky.....	28,390	1,287	200	29,877	20,000		1,090	20,990
Maine.....	14,203	3,722	170	18,095	5,001		1,589	6,590
Maryland.....	7,746	601	4,111	12,458	2,175		1,411	3,586
Massachusetts.....	20,448	450	2,279	23,177	11,510		5,200	16,710
Michigan.....	21,701	884	871	23,456	10,002		1,501	11,503
Minnesota.....	25,012		282	25,294	21,082		7,012	28,094
Missouri.....	4,927	412	431	5,770	4,547		90	4,637
New Hampshire.....	7,041		807	7,848	5,815		515	6,330
New Jersey.....	10,408		1,025	11,433	4,751		718	5,469
New York.....	80,116	882	8,281	89,279	40,703		0,202	40,905
Ohio.....	70,591	2,710	952	74,253	42,051	1,051	14,845	57,897
Pennsylvania.....	83,400	700	85,100	179,200	12,114		8,777	20,887
Rhode Island.....	5,010	251	1,042	6,303	1,053		1,080	2,133
Vermont.....	8,503	411	531	9,445	2,000		1,501	3,501
West Virginia.....	10,211	3,168	438	13,817	18,888		1,037	19,925
Wisconsin.....	24,673	774	147	25,594	10,500	243	1,070	11,813
District of Columbia.....	1,705			1,705			1,167	2,872
California.....	5,701			5,701	1,750			7,451
Washington Territory.....	806			806				806
Oregon.....	602			602				602
Nevada Territory.....							15	15
Dakota Territory.....	87			87	184		52	271
Colorado Territory.....	1,423		31	1,454	94			1,548
New Mexico.....	804			804	501		5	1,305
Nebraska.....							21	21
Minnesota.....							81	81
Total.....	610,470	32,101	22,830	665,401	305,011	5,818	50,813	361,642

States.	9-months' men.	6-months' men.	1-year's men.	2-years' men.
Connecticut.....	5,000			
Delaware.....	1,700			
Illinois.....				
Indiana.....	107	1,707	1,100	
Iowa.....			6,120	
Kansas.....				
Kentucky.....				
Maine.....				
Maryland.....	7,020			
Massachusetts.....		1,015		
Michigan.....	10,000			
Minnesota.....		2,715	1,100	
New Hampshire.....			1,167	
New Jersey.....	1,750			
New York.....	10,787			
Ohio.....	1,781			30,050
Pennsylvania.....		2,700	1,063	
Rhode Island.....	12,215			
Vermont.....	2,050			
West Virginia.....	4,781			
Wisconsin.....		1,148		
District of Columbia.....	958			

a In 1861.

b 4,063 in 1862; 1,000 in 1863.

c In 1862.

Number of soldiers furnished by the several States and Territories, etc.—Continued.

SUPPLEMENT TO FOREGOING EXHIBIT—Continued.

States.	3-months' men.	6-months' men.	1-year's men.	2-years' men.
California				
Washington Territory				
Oregon				
Nevada Territory				
Dakota Territory				
Colorado Territory				
New Mexico				
Nebraska				
Tennessee				
Total	87, 656	16, 680	0, 656	30, 050

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
February 2, 1864.

CONFIDENTIAL.]

WAR DEPARTMENT,
Washington City, February 3, 1864.

Brig. Gen. M. C. MEIGS,
Quartermaster-General:

GENERAL: The following order has been made by the President:

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: You are directed to have a transport (either a steamer or sailing vessel as may be deemed proper by the Quartermaster-General) sent to the colored colony established by the United States at the island of Viecho, on the coast of San Domingo, to bring back to this country such of the colonists there as desire to return. You will have the transport furnished with suitable supplies for that purpose, and detail an officer of the Quartermaster's Department who, under special instructions to be given, shall have charge of the business. The colonists will be brought to Washington, unless otherwise hereafter directed, and be employed and provided for at the camps for colored persons around that city. Those only will be brought from the island who desire to return, and their effects will be brought with them.

ABRAHAM LINCOLN.

You will please proceed to carry this order into execution, and report to me the name of a suitable officer of your department to whom the special instructions mentioned by the President may be given.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HQRS. KENTUCKY VOLS., ADJUTANT-GENERAL'S OFFICE,
Frankfort, February 3, 1864.

Maj. W. H. SIDELL, U. S. Army,
Acty. Asst. Prov. Mar. Gen., Dist. of Ky., Louisville, Ky.:

MAJOR: On March 11, 1862, an act of expatriation against all who joined, aided, or abetted the so-called Confederate States, passed

the General Assembly of Kentucky, thus greatly reducing the number of enrolled militia in the State as shown by the census of 1860. The quotas for troops under the calls of 1861 and 1862 were assigned, we understand, in conformity with that census return. Kentucky, however, having lost such an immense proportion of her strength, this assignment was manifestly unjust.

Steps are being taken to learn as accurately as possible the number thus expatriated, on which we will ask a revision of our entire proportion from the beginning. The justice of this proceeding we think is apparent and cannot work detrimentally to our great cause.

I write this to inform you of our action. Our enlistments are progressing rapidly and we hope to escape the ignominy of a draft by receiving the justice we now seek from the Government, and by pressing strenuously the recruiting throughout the State.

Respectfully, your obedient servant,

JOHN BOYLE,
Adjutant-General of Kentucky.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: I have the honor to acknowledge your letter of yesterday directing me to carry into execution the President's order to send a transport to the island of Vieho, on the coast of San Domingo, to bring to Washington City, with their effects, such of the colored colonists as desire to return to this country.

The ship *Maria L. Day* has been chartered in the port of New York. She is being fitted, victualled, and watered as for a voyage to Aspinwall by the Windward Passage, to bring to Boston 500 troops.

I have directed Major Van Vliet, quartermaster at New York, to hold the ship ready to take on board the officer who may be designated to go in her, and to obey his orders to stop at any other port than Aspinwall, and to proceed in any direction he may order.

I respectfully name Capt. Edward L. Hartz, assistant quartermaster, U. S. Army, as the officer to receive the special instructions to be given as by the order of the President.

I propose to order Captain Hartz to proceed at once to New York to report to Major Van Vliet and receive from him the charge of the ship, and to proceed in her under the inclosed instructions.

I respectfully suggest the propriety of ordering an assistant surgeon and a guard of a subaltern and twenty men and non-commissioned officers of the Invalid Corps to proceed on the ship.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

[Inclosure.]

CONFIDENTIAL.]

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

Capt. EDWARD L. HARTZ,
Assistant Quartermaster, U. S. Army:

You will open the inclosed sealed order when you reach the latitude of 20 degrees north on your voyage in the *Maria L. Day*, via the

Windward Passage toward Aspinwall, and until you reach latitude 26 degrees north will not make it known that you have such orders.

In case of sickness you will place this package in such a position as to be seen and opened by the next officer in rank and command on board the ship.

Respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

[Sub-enclosure.]

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

Capt. EDWARD L. HARTZ,
Assistant Quartermaster, U. S. Army:

CAPTAIN: You will proceed in the U. S. transport ship *Maria L. Day* to the island of *la Vache*, on the southwest coast of *Saint Domingo*, put yourself in communication with the colored colonists of the United States upon that island, and taking on board such, and such only, as desire to return to the United States, will bring them and their property to the port of *Washington, D. C.*

Upon arriving at *Washington* you will anchor in the stream and report in person for further orders.

Inclosed you have a copy of the orders of the President of the United States of the 1st of February, and of the Secretary of War of the 3d of February, under which these instructions are given.*

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General U. S. Army.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

His Excellency Governor YATES,
Springfield, Ill.:

Can you raise promptly forty companies of infantry, to be combined by you into regiments as fast as companies are completed? If so, please enter upon it at once and complete the undertaking as soon as possible.

J. B. FRY,
Provost-Marshal-General.

SPRINGFIELD, February 4, 1864.

Col. J. B. FRY:

The State of Illinois has two regiments and eight independent batteries. I respectfully request authority to raise four more batteries and organize a third regiment. I don't think Illinois has had the privilege of raising her portion of artillery, and I am anxious to raise four more batteries. - I shall consider it a great privilege to do so.

RICHARD YATES,
Governor.

* See p. 75.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

Governor O. P. MORTON,
Indianapolis, Ind.:

Can you raise promptly twenty companies of infantry, to be combined by you into regiments as fast as companies are completed? If so, please enter upon it at once and complete the undertaking as soon as possible.

JAMES B. FRY,
Provost-Marshal-General.

STATE HOUSE,
Augusta, Me., February 4, 1864.

Col. JAMES B. FRY:

You may expect our best efforts. More organizations better for the service. If Maine will advance money to purchase horses, can we be allowed them—cavalry and artillery?

SAMUEL CONY,
Governor of Maine.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

Governor CONY,
Augusta, Me.:

The Government does not desire to accept cavalry and artillery at present, even on the terms proposed in your dispatch. Infantry is wanted as soon as possible.

JAMES B. FRY,
Provost-Marshal-General.

WASHINGTON, February 4, 1864.

Brigadier-General CARLETON,
Santa Fé, N. Mex.:

GENERAL: Judge Knapp, of New Mexico, in a communication to the Attorney-General, has complained, among other things, that under your authority military commissions in your department have taken cognizance of and adjudicated upon actions of debt, trespass, &c., between persons not in the military service.

I am directed by the Secretary of War to say that military commissions and military courts in your department have no jurisdiction of such cases, and that their decisions are utterly null and void. Moreover, the individual members may thus render themselves liable to punishment and damages. The practice, if it exists, should be immediately discontinued.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

Governor SEYMOUR,
Albany, N. Y.:

You are authorized to raise forty new companies of infantry, to be combined into regiments as fast as companies are completed.

The force thus to be raised is assigned to the Ninth Army Corps, under General Burnside, for such service as the War Department may specially designate. Letter by mail.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 4, 1864.

His Excellency Governor BROUGH,
Columbus, Ohio:

Can you raise promptly thirty companies of infantry, to be combined by you into regiments as fast as companies are completed? If so, please enter upon it at once and complete the undertaking as soon as possible.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, February 5, 1864.

Brigadier-General THOMAS,
Adjutant-General, Nashville, Tenn.:

Your telegram received.* The battery is ordered. I wish you would send me by telegraph a statement of the whole number of colored troops organized, so far as you have information. Some clamor is being raised at the lack of energy and industry on that subject.

EDWIN M. STANTON,
Secretary of War.

INDIANAPOLIS, *February 5, 1864.*

Col. J. B. Fry,
Provost-Marshal-General:

I can put twenty infantry companies into old regiments. It will take some days to make the arrangements for consolidation in the old regiments and arrange the terms, but I will do it at the earliest moment if you say so. I have 5,500 cavalry, and only 500 horses purchased. Can you expedite this matter any? I have published a proclamation to raise the quota of Indiana under the last call, and hope to be able to do it.

O. P. MORTON,
Governor of Indiana.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 5, 1864.

Governor BLAIR,
Detroit, Mich.:

You are authorized to raise a company for the Fourth Michigan as proposed in your dispatch. Would you like to undertake raising some other companies to be formed into a regiment when complete?

JAMES B. FRY,
Provost-Marshal-General.

* Of February 4 (here omitted), requesting armament for a battery.

HQRS. PROV. MARSHAL'S OFFICE, FOURTH CONG. DIST.,
New York, February 5, 1864.

Col. JAMES B. FRY:

COLONEL: I take the liberty of sending to you for perusal a copy of a memorandum of conversation between Colonel Nugent, Governor Seymour, and myself last October in relation to the enrollment of the State. I made the memorandum immediately after the interview, and thinking that it would not be amiss should you know the views of His Excellency in detail, I inclose it to you.

I have the honor to be, your obedient servant,

JOEL B. KRITLANDT,
Capt. and Provost-Marshal, Fourth District of New York.

[Inclosure.]

On October 16, 1863, Col. Robert Nugent, acting assistant provost-marshal-general for the Southern Division of New York, called at my office and stated that he wished me to go with him to Albany that night and see Governor Seymour, and said he would call at 4.30 that p. m.

We arrived in Albany by the 5.30 train, and the next morning called at the Capitol. The Governor had not yet arrived and we were shown into the adjutant-general's room.

We were shown into the Governor's room on his arrival about 10 o'clock or after, and found His Excellency busy reading the mail. He politely showed us a seat and after the task was finished turned to Colonel Nugent and stated the reason he had telegraphed for him was to consult with him in relation to the recruiting service, and proceeded to ask what the colonel had thought of the plan of recruiting proposed and sanctioned by Major Dixon and Major Townsend, and approved by Colonel Fry. The colonel stated that he had received no order from the Provost-Marshal-General in relation to the matter, and could, therefore, give no opinion on the subject.

The Governor then stated, in substance, this plan, which he said met his unqualified approval. It was the appointment of four men from each Congressional district in the State, two to be appointed by the Union men and two by himself, who were to be the recruiting officers and to receive the pay authorized by Government for the production of a soldier. This plan he thought good, since, with a recruiting board of four, two of each party, a spirit of emulation would be excited, the result of which would be the production of more men to the Government than the ordinary routine of recruiting, and more just, since it would prevent those frauds constantly being practiced on line officers where State commissions are given to raise regiments, as had been the course heretofore, to which the colonel assented.

Without hazarding an opinion on the motive of His Excellency, the desire that the Government should appoint two Union men, and he two, seemed to indicate too strong a disposition to draw a line between the Government, seeking to protect its integrity, and the disloyal, to hamper it, than would justify great expectations as to the benefit of such a committee.

The conversation turned on the enrollment of the State under the act of March 3, but more particularly on the erroneous enrollment of certain districts, the Governor asserting that the enrollment in those sections which gave a decided majority for him exceeds the actual

number liable to military duty, while in those districts which gave a Union majority he claimed it was equally fraudulent in not giving all who were thus liable, or the fraud of excess in city and deficiency in country districts; this he thought quite natural. Thus, while he attributed intentional fraud on the part of the Federal Government one moment, the next found him asserting that it arose from the nature of things; that while in a crowded city to enroll all required consummate skill, yet there was a constant disposition to duplicate names, which could not well be avoided. In the country, he alleged, that, living many miles from each other, persons were not known, and the enrollment sheets being concealed from the public gaze, there was a constant fault in not placing all on. Thus alternating between the charge of fraud by the General Government and excusing in next breath those alleged frauds as errors which could not be avoided, he blew now hot, now cold. The enrollment *per se*, he urged, was excessive—first, as compared with the census. But, I asked, Why measure the accuracy of the enrollment by the census any more than the accuracy of the census by the enrollment? He replied that the general increase of population afforded some criterion; the census of 1860 compared with that of 1850, and so back, established the accuracy of that, but there had been but one enrollment. But, I urged, the census of 1860 was not supposed to be correct so much because of its being a regular increase on that of 1850, but because the people were counted by canvassers and found to be a certain number, which was the same rule which governed the enrollment, while there had been a State enrollment the previous year which agreed with this. But, I urged, if the census is correct, yet the enrollment might also be, the seeming disparity in numbers being no error in either, for the census included all, while the enrollment only a particular class, and hence one is no criterion for the other.

He then urged that on its face the city enrollment bore marks of excess, since the fact was notorious that many were enrolled twice and even thrice, and also because many were afterward found incompetent by reason of alienage or physical disability or non-residence; to which it was answered that no duplicates existed, because weeks had been spent and no expense spared before the draft in correcting this very charge, so that now a personal examination would prove the fact that there was an absence of duplicates; the sheets were open to his inspection, and had been, if he had desired so to do. To his second objection it was stated that a perfect enrollment would be an anomaly in the history of the world, if not an impossibility, since claims for exemption, very properly under the law, were to be heard after draft by the Board—not before enrollment by the enrolling officer; that it was true many were borne upon the sheets who afterward were exempted; whereupon he stated that this made the discrepancy all the more glaring, since they were on the enrollment sheets, swelling the number on which the quota was apportioned. In answer to this we stated that though this might be true, yet it showed no discrepancy, for, if a fault, it was a general one of all the district enrollments, and swelling each a little made it disproportionate to none. Still he urged it was a fault, while he admitted the impossibility of making an enrollment perfectly correct; but we replied that Circular No. —, in which the department ordered that the place of persons so drawn, exempt by reason of alienage, &c., should not be filled from the 50 per cent. additional, makes it as fair as possible to all.

His Excellency then referred, in Judge Waterbury's report, to certain alleged facts, to which we took exception. The Governor then replied that it was Judge Waterbury's report, not his, which, to say the least, seemed ungracious, since he had produced it in testimony, and had made it the foundation of his complaint through the medium of the press.

We casually remarked that it would be strange if so skillful a statistician as Judge Waterbury could not arrange figures so that they should seem to show any result he desired; that figures in the abstract were unerring, yet the result frequently differed according as one divided or subtracted; that a proper comparison of votes, census, and State enrollment would prove the enrollment, in the main, correct. It was then stated that we hoped the new enrollment would be more perfect than the old, and we had no doubt it would be, for perfection is never attained as the result of a first effort; and so we did not call our enrollment perfect, but in the new one we hoped to approach nearer the desired end, with the aid of His Excellency. At the same time we ventured to express the opinion that more would be enrolled in the new than had been in the last, which His Excellency said he did not doubt, and therefore he urged that the new enrollment should not be made, but an attempt made to correct the present one; a new enrollment would aggravate the evil by making more liable to draft in the city than were already enrolled. His complaint to the President was, not that there were too many or too few enrolled in the city, but only, comparatively, that he wished the city districts left as they were, and the country districts brought up to that standard to equalize the draft; but we stated, if all the men were not enrolled in the city districts, then the old enrollment was deficient, and we presumed His Excellency wished accuracy as well as proportion, to which he replied that it was necessary, to be just to all, to be proportionate to all. True, we stated, but if the enrollment be made accurate in each district, proportion would necessarily ensue, but it was but a premium on inaccuracy to attempt to harmonize alleged errors by proportion; proportion would always follow upon accuracy, but accuracy not always upon proportion; that the figures might bear a proper proportion and still be themselves wrong, so that if the city districts were, as he alleged, incorrectly enrolled, they should be corrected first. His Excellency repeated with great force that he did not wish a new enrollment; he had not asked for it; that New York was always loyal, but dragging off her citizens under unjust laws was repugnant to the spirit of our institutions, which was not the question in issue. After talking about the loyalty of the State, he said again the number would be increased and nothing gained. But, we urged, you take exception to certain districts, and to satisfy yourself the President says to us, "Commence from the beginning," and ask yourself, by your agents, to witness every step; to which His Excellency replied, This would involve expense; the State would appropriate no money; she had none; and each officer would have to have a State officer at his elbow to correct error or note fraud; that all he wanted was to let the people see that it was fair. I suggested that to let them see it and to endeavor to make them admit it were very different matters; that it was impossible; if they were so disposed they could see it now; the sheets were open, and always were. He said he thought not; that they would willingly admit its fairness if it was fair.

We then asked His Excellency if he thought of any plan which would make impartiality patent to all, and remove imputation of unfairness.

He, after thinking a little, replied that he could scarcely see how it could be made more fair than it was. We then stated that his friends ought to admit its accuracy, and if he could find no means to make the enrollment more fair how could he expect the Government to obtain the admission of the lower class of society, who, for the most part, are unlearned and violent, that the draft, as a result of the enrollment, was or could be correct.

The plan His Excellency suggested was, that copies of the old enrollment be printed and circulated throughout the district for the people to correct, he alleging that the interest of each would be greatly benefited by this; that persons would see that many were down who should [not] be, and others placed on who had been left off. This, however, we stated, would be attended with no good results, for men living years in the city did not know their neighbors or who lived with them; and His Excellency afterward remarked that this might answer in the country, but he questioned its expediency in a crowded thoroughfare; still, he gave no opinion one way or the other. I asked if he meant to take the present enrollment as correct and the one to be used, subject to be corrected, as information of those who had seen the copies in print suggested, to which he seemed to assent.

The conversation, occupying more than three hours, was in substance what I have written, yet, long as it was, little was said to justify the belief that discrepancies in the enrollment were the cause of his dissatisfaction, but much that captiousness was the secret of his opposition to the law.

I made a memorandum of the conversation as soon as I arrived home, that in case any question arose as to what transpired, then a memorandum of the conversation might prove beneficial.

COLUMBUS, OHIO, *February 5, 1864.*

Col. J. B. FRY,
Provost-Marshal-General:

Your dispatch received. We can raise the thirty companies, we think, in thirty days. Do you design them for new regiments, or to fill up veteran regiments? We prefer the latter. We have gone to work.

JOHN BROUGH,
Governor of Ohio.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 5, 1864.

Governor BROUGH,
Columbus, Ohio:

The intention was to form the companies into new regiments; but if you have old regiments now requiring new companies to complete them, enough of the new companies to be raised may be assigned for that purpose; but it would not be well at this time to commence consolidation in order to create vacancies in old regiments.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., February 5, 1864.

THOMAS WEBSTER, Esq.,
1210 Chestnut Street, Philadelphia, Pa.:

SIR: In reply to your letter of the 28th ultimo I am directed to say that you are hereby authorized to raise another regiment of infantry, to be composed of colored men, and to be mustered into the service of the United States for three years or during the war. The regiment raised under this authority will be known and designated as the Thirty-second Regiment U. S. Colored Troops. The instructions heretofore given you in reference to organization, musters, &c., will govern in this case.

I have the honor to be, very respectfully, your obedient servant,
C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 15. { Washington, February 6, 1864.

I. The attention of officers appointing general courts-martial is respectfully called to paragraph No. 897, Revised Army Regulations, which requires that "copies of all orders confirming, or disapproving, or remitting the sentences of courts-martial," shall be sent to the Adjutant-General of the Army. Such copies are to accompany the original proceedings of the general courts in every instance.

II. By direction of the Secretary of War recruiting officers are hereby authorized to enlist and re-enlist all men for the Regular Army for three years, under joint resolution of January 13, 1864, General Orders, Nos. 20 and 25, of 1864.

E. D. TOWNSEND,
Assistant Adjutant-General.

INDIANAPOLIS, IND., February 6, 1864.

Hon. E. M. STANTON:

Four six-months' regiments returning to be mustered out here are arriving. Will you authorize them to reorganize if they will re-enlist as veterans? I believe the most of them will re-enlist if authority is given.

O. P. MORTON,
Governor.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 6, 1864.

GOVERNOR OF RHODE ISLAND,
Providence, R. I.:

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo* in reference to troops furnished by Rhode Island, and asking for a corrected exhibit to include December 31. In reply I regret to say that the pressure of business at this time upon the roll room—from which the data would have to be obtained—is so great

* Omitted.

that the exhibit cannot be furnished from this office. I would add, however, that the information must already be in the office of your adjutant-general, since by paragraph 15 of the Revised Mustering Regulations copies of the muster-in rolls are directed to be furnished him. In addition I will state that no changes have been made by this Department in the exhibit from this office of May 19, save to credit your State with 152 men of the First Cavalry, and the 82 men of the Hospital Guard, making a total of 234 men.

On the 30th of November I had the honor to inform you that 9,150 men had been mustered into service. Deducting therefrom 6,663 (strength of regiments per statement of May 19, exclusive of recruits and nine-months' men), there appeared a gain of 2,487, and deducting the 2,131 recruits, as per that statement, a net gain of 356 three-years' men. Since that date additional musters have been made, and the account, therefore, stands at the date of December 31 as follows, viz:

Exhibit of May 19:	
Three-years' regiments	6,663
Three-years' recruits	2,131
Two regiments nine-months' (3,950)—equivalent, when reduced to the three-years' standard, to (Four nine-months' equals one three-years'.)	515
Letter of November 5: First Cavalry and Hospital Guard.	234
Letter of January 22:	
May 19 to September 30, 1863	799
October 1 to December 31, 1863	1,183
Total credits to December 31	11,525

In reply to that portion of Your Excellency's letter in reference to the three-months' men, I have to state that as yet no State has been credited with that class of troops. Can you conveniently cause me to be furnished from your State records with an exhibit, by regiments, of the number of such troops furnished by the State? If so, it will be useful for the purpose of comparison with the returns here filed.

I have the honor to remain, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 6, 1864.

Governor KIRKWOOD,
Davenport, Iowa:

You are authorized to raise ten companies of infantry to be combined by you into a regiment. Please state whether you can accomplish it; and if so, whether you will enter upon it at once.

JAMES B. FRY,
Provost-Marshal-General.

NASHVILLE, TENN., February 6, 1864.

Hon. E. M. STANTON,
Secretary of War:

Telegram of 5th received. The whole number of colored troops organized and mustered into service in Middle and East Tennessee will number 7,500. In addition, General Dodge, at Pulaski, has a third regiment nearly full. I now intend to enlist the able-bodied negroes in the employ of loyal citizens, in accordance with General

Orders, No. 329, of 1863. The people of Tennessee appreciate the views of the Administration, and beyond doubt the recruiting of colored troops in this section will prove eminently successful.

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT,
Washington City, February 7, 1864.

Governor MORTON,
Indianapolis:

Six-months' regiments cannot be received as veterans.

EDWIN M. STANTON,
Secretary of War.

BOSTON, *February 7, 1864.*

Hon. E. M. STANTON:

Having raised all the white cavalry undertaken, I desire that First Massachusetts Infantry Volunteers, commanded by Colonel McLaughlen, of regular cavalry service, may be changed to cavalry and ordered home to recruit. Merely changing the arm will do great good. Colonel McLaughlen and city government of Boston, where regiment was raised, both desire it. Men's time out so soon that extra inducement to re-enlist is just. It is the oldest three-years' regiment, probably, in service, having fought under every general in Potomac army, beginning with McDowell. I want to begin the two new companies immediately, and two more also to add to the Fortieth, which, Colonel Henry writes me, General Gillmore has changed to cavalry.

JOHN A. ANDREW.

INDIANAPOLIS, IND., *February 8, 1864.*

Hon. E. M. STANTON:

My question was not whether the six-months' regiments could be received as veterans and paid the veteran bounty, but whether, if they would re-enlist for three years, I will be authorized to reorganize them into regiments bearing the same number and preserve their identity.

O. P. MORTON.

BOSTON, *February 8, 1864.*

Hon. EDWIN M. STANTON,
Secretary of War:

Major Walker, of First Massachusetts Infantry, declares that he believes nearly every man would enlist if regiment was changed to cavalry.

JOHN A. ANDREW,
Governor, &c.

WAR DEPARTMENT,
Washington, D. C., February 8, 1864.

Governor ANDREW,
Boston:

Your telegrams respecting change of infantry to cavalry have been considered with anxious desire to conform to your wishes. The pres-

ent cavalry organizations are adapted to over 200,000 cavalry, a number far beyond the capacity of the Government to support. Every State is anxious to raise cavalry, because it is easier to raise than infantry, while it is beyond all comparison more expensive to equip and support. Putting aside every other question, the finances of the Government will not admit of new cavalry organizations or the transfer of infantry into cavalry. You are as anxious as any one can be to get through this war without a financial catastrophe. In considering the matter in every point of view the General-in-Chief has reported in substance: First. That the existing cavalry organizations are sufficient, and, if filled up, would be more than the exigency of the war requires, and much greater than the Government can sustain. Cavalry enlistments to fill up old regiments only can be received. Second. That new cavalry organizations are not needed, and would occasion an increased expense that cannot be justified.

Even now the Treasury cannot promptly fill all the requisitions. This Department, therefore, cannot authorize new organizations of cavalry, nor transfers of infantry into cavalry, beyond the actual authority given heretofore in one or two instances for special purposes. If General Gillmore has made transfers under proper authority they will not be altered if they have been carried into effect, but they cannot be extended beyond transfers actually consummated.

EDWIN M. STANTON,
Secretary of War.

DETROIT, February 8, 1864.

Col. J. B. Fry,
Provost-Marshal-General:

In your telegram of 5th instant you say, "Would you like to undertake raising some other companies to be formed into a regiment when completed?" If you mean entire new companies, with officers, to be put into old regiments in the field, I do and would like to have such authority. Please answer.

AUSTIN BLAIR,
Governor of Michigan.

FEBRUARY 8, 1864.

MEMORANDA OF GOVERNOR PARKER, OF NEW JERSEY.

As I understand, the account now stands with New Jersey about as follows:

The recent order of the President is for draft (after deducting credits)	
for	500,000
New Jersey's quota of that number is about	10,000
To be credited all raised last summer, about	5,000
Since then about	6,000
	11,000
Deficiency about	5,000
But it is said that there was a former deficiency under Governor Olden of about	12,000
And if that is insisted upon, the deficiency would be about	17,000

I learn to-day for the first time that it is in contemplation to include that 12,000 in the draft ordered in March.

It is unjust to require and draft for the old deficiency of 12,000, for the following among other reasons:

First. Because at that early day (under Governor Olden) no quota was assigned to the State, and the State of New Jersey was not informed of the full number of men it is now said she was liable to furnish.

Second. She raised them in full, all calls made upon her and two regiments over.

Third. Governor Olden urged the Secretary of War to accept more regiments, and he declined to do so.

Fourth. At that time (when Governor Olden could not obtain permission to raise more men) a large number of regiments were raising, under authority of the Secretary, in New York and Pennsylvania, and during the fire for volunteering then existing nearly 12,000 men went from New Jersey to those and other States and enlisted in their regiments.

I ask the President that allowance be made to New Jersey for those men. New Jersey at that time could and would have raised the men, if permitted to do so, and they were lost to New Jersey regiments, but are in the service of the United States.

If the President is not now prepared to cancel the deficiency, I ask that no draft be ordered for any part of that 12,000 men until a statement of facts be fully made and evidence offered on the subject to the President.

WOODSTOCK, VT., February 8, 1864.

Col. JAMES B. FRY,

Provost-Marshal-General, Washington, D. C.;

What is the total quota of Vermont under the call for 500,000 volunteers, and what are we entitled to offset against it? The towns will not begin to work in earnest until they know what is required of them. Please answer by telegraph immediately.

PETER T. WASHBURN,
Adjutant and Inspector General.

WASHINGTON, D. C., February 8, 1864.

General P. T. WASHBURN:

I am preparing quota and will make known very soon. I hope you will get the towns to work zealously in anticipation of their exact quotas. The Government honties cease on the 1st of March, and what is easy for the towns now will be difficult after that time.

JAMES B. FRY,
Provost-Marshal-General.

WOODSTOCK, VT., February 8, 1864.

Col. J. B. FRY,

Provost-Marshal-General.

Your telegram received, and also your telegram of February 6 to General Pitcher. The towns will not work zealously until they know precisely what is required of them. If I can be informed immediately the total number charged to the State, so that I can assess

town quotas without delay, there will be no draft in Vermont. Please give me the total charge against the State.

PETER T. WASHBURN,
Adjutant-General.

DES MOINES, *February 9, 1864.*

Col. J. B. FRY,
Provost-Marshal-General:

Do you mean ten companies for a new infantry regiment or ten detached companies? I can raise them and will commence immediately.

WM. STONE,
Governor.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 9, 1864.

Governor AUSTIN BLAIR,
Detroit, Mich.:

I meant for you to raise entire new companies with officers. They may be put into old regiments if vacancies shall be found to exist when they are completed. If not, they will be formed into a new regiment or battalion.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 9, 1864.

Governor H. A. SWIFT,
Saint Paul, Minn.:

You are authorized to raise ten companies of infantry, to be combined by you into a regiment. Please state whether you can accomplish it; and if so, whether you will enter upon it at once.

JAMES B. FRY,
Provost-Marshal-General.

JEFFERSON CITY, MO., *February 9, 1864.*

His Excellency A. LINCOLN,
President of the United States:

SIR: I beg leave to ask authority for Lieut. Col. R. T. Van Horn, of this State, to raise a brigade in Missouri and Arkansas. He has been in the military service ever since this war began, was at the battles of Lexington and Shiloh, and is a man of talents. He is at present a senator in our State Senate from Jackson County.

Very respectfully,

WILLARD P. HALL,
Governor of Missouri.

[First Indorsement.]

FEBRUARY 26, 1864.

Submitted to General ROSSERANS.

A. LINCOLN.

[Second indorsement.]

MARCH 2, 1864.

As the Secretary of War does not approve the above submission, let the paper be filed.

A. LINCOLN.

[Inclosure.]

ABRAHAM LINCOLN,

President of the United States:

Your petitioners, senators and representatives in the General Assembly of Missouri, respectfully ask that you will give Col. R. T. Van Horn, of this State, authority to raise a brigade of troops in Missouri and Arkansas. Colonel Van Horn was one of the earliest men in this State to take up arms in defense of the Government, and as lieutenant-colonel of the Twenty-fifth Regiment of Missouri Volunteers distinguished himself in the field.

Very respectfully,

Geo. W. Anderson, senator from Pike; Saml. Bonner, senator from Saint Louis; John Severance, senator from Buchanan; Norman Cutler, senator from Saint Louis; W. B. Edwards, senator from Dallas; David Wagner, senator from Lewis; A. L. Gilstrap, senator from Macon; Wm. P. Harrison, senator from Marion County [and 67 others in number—16 senators and 51 representatives].

SPECIAL ORDERS, }
No. 15. }

NASHVILLE, TENN.,
February 9, 1864.

II. It being understood that Maj. George J. Stennis, assistant adjutant-general of volunteers, and commissioner for the organization of colored troops in Middle and East Tennessee, has resigned his position in the service of the United States, Capt. R. D. Mussey, Nineteenth U. S. Infantry, is hereby charged with the organization of these troops in the section of the country above referred to.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

WASHINGTON, February 9, 1864:

Mr. NICOLAY,

Private Secretary, &c., Washington, D. C.:

SIR: Obeying your instructions of this date, I have the honor to submit the following suggestion, together with plan for carrying into effect the circulation of the President's amnesty proclamation within the enemy's lines. Almost invariably the first questions asked by deserters coming within our lines are, "What are you going to do with us?" "Are we to be shut up in prison?" "Are we to be pressed into your army?" &c. This they are taught by their officers will be if they desert to us. They also ask, "What privileges can we have if we take the oath of allegiance?" &c. These questions the proclamation does not answer so plainly to all as not to admit of a doubt. Could an order be made and affixed to the proclamation answering them as far as possible, I think it would aid the cause much. The plan I would suggest for distributing is: Let scouts carry it within

the enemy's lines; let cavalry expeditions be sent out supplied with it; leave copies at every house possible, and scatter wherever the enemy will be likely to find it. In this way it can soon be distributed throughout the entire South and rebel armies. Many will be found by rebel soldiers and many will be sent to them by mail from their friends. North Carolina troops are deserting very fast, and the work ought to commence here as soon as practicable. If a regiment of cavalry can be furnished to me at different points along the enemy's front, I will, if permitted, volunteer to, as far as is in my power, see this carried into effect personally.

I am, sir, very respectfully, your obedient servant,

R. A. ALGER,
Colonel Fifth Michigan Cavalry.

SPRINGFIELD, *February 10, 1864.*

Colonel FRY:

It is important to this State that I should know our quota under call of 200,000 as soon as possible. I therefore respectfully request to be informed as soon as practicable what our quota under said call is, and what is the basis upon which it is made.

RICHARD YATES,
Governor.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 10, 1864.

Governor KIRKWOOD,
Des Moines, Iowa:

I mean ten detached companies to be formed into a new regiment or battalion or attached to old regiments if you have any requiring additional companies.

JAMES B. FRY,
Provost-Marshal-General.

NASHVILLE, TENN., *February 10, 1864.*

SECRETARY OF WAR:

I leave this afternoon for Chattanooga and Knoxville. I have just ordered a regiment of heavy artillery, of African descent, to be raised here, for the purpose of garrisoning the forts around Nashville. I expect the men can be raised in this city very shortly. But few negroes can be received in the front before a movement farther south is made. A number of negroes will yet be recruited in Tennessee, including those who cross the lines from Kentucky.

L. THOMAS.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 10, 1864.

Governor J. G. SMITH,
Woodstock, Va.:

Can you not raise ten more new companies of infantry, to be formed into a new regiment, or added to old regiments in case there are vacancies in your old regiments? If so, please enter upon it at once.

JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS RECRUITING SERVICE SECOND CORPS,
New York, February 11, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General:

COLONEL: I have the honor to submit the following considerations to you in favor of postponing the draft, say until April 10, and extending the time for the payment of bounties until April 1.

The great object, as I understand it, is to bring into service before the spring campaign the greatest possible number of effective men. I submit that if volunteering closes by March 10, or the Government ceases to encourage it by paying bounties after March 1, the machinery of the draft will produce but few men in time for the next campaign, and we shall lose a large number of the men that would be secured by voluntary enlistment during the period in which the draft is being put in operation. If it were generally understood that the people would have until April 1 to fill their quotas, and that the draft would be then enforced, say April 10, it is my opinion that the Government would get more men and in less time than by any other plan.

When the draft is put in operation many localities and many persons will pay the commutation. This will delay our getting the men. If the same money is used in March, we will have many troops by April 1 which we would not have by the draft.

The localities will generally pay local bounties. If Government bounties are added we will get men certainly.

The draft might be deferred in all localities where it is believed the people are making exertions to fill their quotas and be executed where they are not.

I make these suggestions merely to call the subject to your attention and to give you my opinion, as I feel interested in getting men promptly.

I am, colonel, very respectfully, your obedient servant,
WINFIELD S. HANCOCK,
Major-General of Volunteers.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 11, 1864.
Governor YATES,
Springfield, Ill.:

I am making up the quotas, and will give you that of Illinois as soon as practicable. Whatever the quota of the State may be upon present calls, another call may be made at any moment. I therefore suggest that volunteering be continued with all the spirit possible while the large Government bounties are authorized. Illinois will need any surplus she may thus acquire. The enrollment of the first and second classes is taken as a basis in making up the quotas.

JAMES B. FRY,
Provost-Marshal-General.

Col. J. B. FRY,
Provost-Marshal-General:

INDIANAPOLIS, February 11, 1864.

As the bounties will cease on the 1st day of March, I ask that the superintendent of volunteer recruiting be authorized to place all

the officers of returned veteran regiments on recruiting duty during the furlough of the men. Under existing instructions he does not feel authorized to do so.

O. P. MORTON.

INDIANAPOLIS, IND., *February 11, 1864.*

Hon. E. M. STANTON:

The Thirty-fifth Indiana (Irish) re-enlisted and came home. Their furlough is out, and they are ordered to the field. They are recruiting well, and I shall be glad to have them remain until the 1st of March. They are recruiting from an element nobody else can reach.

O. P. MORTON.

STATE OF MINNESOTA, EXECUTIVE DEPARTMENT,
Saint Paul, February 11, 1864.

Hon. ALEXANDER RAMSEY,
U. S. Senate, Washington, D. C.:

SIR: On the evening of the 9th instant I received a dispatch from the Provost-Marshal-General (Colonel Fry) stating that I had permission to raise an infantry regiment, and asking whether it could be done. I replied, "Yes; within one month, if bounties are continued; shall I proceed?"

To this dispatch I have no answer up to this evening. Will you have the kindness to see the proper authorities and explain to them that our southern border is nearly 200 miles from Saint Paul and that our recruits must be transported by wagons, and that owing to this difficulty and the scattered condition of our population we cannot recruit and rendezvous a regiment in a shorter time than I have named.

But if the draft can be postponed until April 1, with a certainty that it will then occur, and the bounties and credits to towns be continued until that time, I can, if notified promptly, raise one regiment of infantry, increase Major Brackett's three companies cavalry to a full regiment, and raise one artillery company; and I hereby propose to raise them, as above indicated.

If this privilege be declined, I can raise the regiment of infantry upon four weeks' notice. I earnestly solicit your good offices in the premises.

I am, very respectfully, your obedient servant,
S. MILLER.

PROVIDENCE, *February 11, 1864.*

Hon. E. M. STANTON,
Secretary of War:

Will Rhode Island be accredited with all men furnished under the draft of July 3, 1863, and no charge be made by number called for under said draft, as has been granted to State of New Hampshire? Please answer by telegraph.

JAS. Y. SMITH,
Governor of Rhode Island.

SPECIAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 70. } *Washington, February 12, 1864.*
* * * * *

44. Col. S. M. Bowman, Eighty-fourth Pennsylvania Volunteers, is hereby assigned to duty as chief mustering and recruiting officer for colored troops in the State of Maryland, and will relieve Brig. Gen. William Birney, U. S. Volunteers.

Brigadier-General Birney on being relieved will proceed, in command of the Seventh and Ninth Regiments U. S. Colored Troops, to Hilton Head, S. C., and report to the commanding general Department of the South.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 12, 1864.
Hon. RICHARD WALLACH,
Washington, D. C.:

SIR: In reply to questions contained in communication of the 1st instant, I have the honor to say:

First. The quotas of this District under the call of the President are as follows:

Quota under call of 1861.....	8,235
Quota under call of July, 1863.....	1,771
Quota under call of 1863 (300,000 nine-months' volunteers).....	1,771
Total	6,777

Second. Had a quota been assigned to the District it would have been 6,777.

Third. Unsettled state of the population and its division of feeling on the subject of the war—in other words, the District was viewed in the same light as were Kentucky and Missouri of the Border States, to which no quotas were assigned until recently—was the reason that no quota was assigned to the District.

Fourth. There is no rule of the Enrolling Bureau that prevents the District from obtaining credit for the troops furnished.

Fifth. The District of Columbia is on the same footing with the States, and entitled to the same rights relative to furnishing troops under the calls of the President.

Very respectfully, your obedient servant,

HENRY E. MAYNARDIER,
Captain, U. S. Army, in Charge of Enrollment Bureau.

WAR DEPARTMENT,
Washington City, February 12, 1864.
Governor O. P. MORTON,
Indianapolis, Ind.:

It will be impossible to extend the time of the Thirty-fifth Indiana Regiment (Irish) without endangering the whole organization of the Army. The leaves of absence are arranged so as to give the different

regiments enlisted an equal chance. If the time of one regiment is extended, all others will claim it. To extend the time of one regiment is to deprive another of its fair turn for leave of absence. I hope you will not interfere with the arrangements that have been made by generals in the field in regard to the leaves of absence of their troops, but aid this Department in carrying them out for the benefit of the service. Nothing is so disorganizing as the changes of regulations in special cases, and there is nothing so embarrassing in the administration of this Department. I know your anxious desire to promote the welfare of the service, and I count upon your cordial co-operation in this great necessity—the prompt return of regiments to the Army upon the expiration of their furloughs. In no way can you do more good.

EDWIN M. STANTON,
Secretary of War.

INDIANAPOLIS, IND., *February 12, 1864.*

Hon. E. M. STANTON:

Your dispatch received. The Thirty-fifth Indiana Regiment will leave for the field to-morrow. I will aid the Government to the extent of my ability in the prompt return of all troops.

O. P. MORTON.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 12, 1864.

Governor O. P. MORTON,
Indianapolis, Ind.:

Colonel Baker already has authority to put on recruiting service all officers of returned regiments whose services are necessary and useful upon that duty. See printed instructions to him from Adjutant-General's Office.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., February 12, 1864.

Lieut. Col. W. H. CHESEBROUGH,
Asst. Adjt. Gen. of Vols., Hdqrs. Middle Dept., Baltimore, Md.:

SIR: By direction of the Secretary of War you are hereby authorized to raise in the city of Baltimore and vicinity a regiment of colored troops, said regiment to be known and designated as the Thirty-ninth Regiment U. S. Colored Troops, to be composed of colored men, and to be mustered into the service of the United States for three years or during the war. To these troops no bounties will be paid. They will receive \$10 per month and one ration, \$3 of which monthly pay may be in clothing. The organization of the regiment must conform strictly to the provisions of General Orders, No. 110, War Department, Adjutant-General's Office, 1863. The prescribed number of commissioned officers will be appointed as provided in General Orders, Nos. 143 and 144, War Department, Adjutant-General's Office, 1863. The commissioned officers will be mustered into service

on the presentation to the proper mustering officer of their appointments signed by the Secretary of War. The enlisted men will be mustered in accordance with mustering regulations. The expenses properly chargeable for subsisting, quartering, &c., between the dates of enlistment and muster will be defrayed from the fund for "collecting, drilling, and organizing volunteers." Your attention is specially directed to General Orders, No. 329, War Department, Adjutant-General's Office, 1863, copy herewith,* which provides that the recruiting officers for colored troops shall give certificates of enlistment and descriptive lists to loyal owners whose slaves may be enlisted. Your recruiting officers should be supplied with the necessary blank forms. You will establish your camps of rendezvous at such point or place in the vicinity of the city of Baltimore as the commanding general Middle Department may direct.

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

KNOXVILLE, TENN., February 12, 1864.

Hon. E. M. STANTON,
Secretary of War:

What authority, if any, has been given to the commander of this department to appoint officers for the loyal regiments of North Carolina troops now being raised in this vicinity? If none has been so given, I would request that it be granted so far as to appoint officers provisionally, sending rosters to the Adjutant-General for approval and issuing of commissions by the President.

J. M. SCHOTFIELD,
Major-General, Commanding.

INDIANAPOLIS, February 12, 1864.

Col. J. B. FRY:

I have four full regiments of cavalry and seven companies in a fifth regiment. Shall I fill the fifth regiment?

O. P. MORTON.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 19. } *Washington, February 13, 1864.*

When recruiting officers of the Regular Army in the field are not furnished with funds the \$25 advance bounty authorized by section 5 of the act approved July 29, 1861, and the \$2 premium authorized by the act approved June 21, 1862, will be credited to the soldier on the first muster-roll after his enlistment or re-enlistment and paid by the paymaster who pays him.

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } HDQRS. DEPARTMENT OF THE GULF,
No. 24. } *New Orleans, February 13, 1864.*

I. Every free white male twenty-one years of age who has been a resident of the State twelve months and six months in the parish in

*See Vol. III, this series, p. 800.

which he offers to vote, who is a citizen of the United States, and who shall have taken the oath prescribed by the President in his proclamation of the 8th of December, 1863, shall have the right to vote in the election of State officers on the 22d day of February, 1864.

II. Citizens of the State who have been expelled from their homes by the public enemy on account of their devotion to the Union, and who would be qualified voters in the parishes to which they belong, will be allowed to vote for State officers only in the election precincts in which, for the time being, they may reside.

III. Citizens of the State who have volunteered for the defense of the country in the Army or Navy, and who are otherwise qualified voters, will be allowed to vote in the election precincts in which they may be found on the day of election; and if the exigencies of the public service be such as to prevent their attendance at any established precinct, then commissioners, fairly representing the interests involved in the election, will be appointed to receive their votes, wherever they may be stationed on that day, and to make due returns thereof, as well as of their own votes, to the Military Governor of the State, as provided for other commissioners of election.

IV. The commissioners of election at any election precinct are authorized to administer the oath of allegiance, as prescribed by the President, to any person otherwise qualified to vote, and to register the name of such voter in New Orleans, where a register is required, or to receive it in other parishes where no register is required, at any time before the polls are closed on the day of election.

V. The commissioners of election in the several parishes will make prompt returns of the votes given to the sheriff of the parish, as provided by law, or in his absence to the provost-marshal, who will immediately return the same to the Military Governor of the State.

VI. The sheriffs of the several parishes, and in their absence the provost-marshals, will take especial care that the polls are properly opened and that suitable judges of election and other officers are appointed. It is desirable that all persons properly qualified shall vote, but it is more important that illegal or fraudulent votes shall not vitiate the election.

VII. The situation of Louisiana is not identical with that of other States designated by the President, but the test of loyalty required by him as a basis for the restoration of government is unequivocal. Full opportunity has been given to the people for the suggestion of any obligation more in accordance, if possible, with the condition of this State; but no general unity of sentiment appears to exist as to the test of fealty which should be demanded. The inference is irresistible that all parties prefer the form prescribed by the President to any other than their own.

The oath prescribed by him offers amnesty and pardon only to those who have committed treason. To all others it is a simple pledge of continued fealty to the Government. The oath of allegiance cannot be materially strengthened or impaired by the language in which it is clothed, but it may be accompanied by such explanations as to make known to the public the sense in which it is administered and received. Allegiance cannot be more or less than unreserved, unconditional loyalty.

The repetition of an oath once taken, or when unnecessarily clothed in unusual language, may well cause hesitation; but if it be identified with the restoration of a government at a time when secret evasions

and reservations have sapped public integrity and endangered the safety of the nation it is an unsound patriotism that criticises the form or hesitates at its renewal.

In times of public danger the Government has a right to demand an unreserved declaration of the purposes of all its people, and to provide, if necessary, an iron-clad defense against the weapons of its enemies. Those who seek its favor and protection must yield to its just demands. An exemption from all duties, and the enjoyment of all privileges at the same time, is a greater degree of happiness than is accorded to any man in this life. Let the people of Louisiana look at things as they are, and base their political action upon a declaration of loyalty that cannot be misunderstood or misinterpreted. Upon this depends the restoration of peace and of private and public prosperity.

By command of Major-General Banks:

RICHARD B. IRWIN,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 13, 1864.

Governor O. P. MORTON,
Indianapolis, Ind.:

You can complete the fifth regiment of cavalry, for which you report that you have seven companies already raised; but do not raise any more, as it is not wanted by the Government. Your infantry regiments are wanted for field service immediately. Please let me know the earliest moment at which they can be ordered.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, February 13, 1864.

Governor SMITH,
Providence, R. I.:

The same rule is applicable to all the States in regard to crediting on the quota of 500,000. All men raised by draft and volunteering not heretofore credited will be credited on the call for 500,000. If Rhode Island has raised her quota, I would suggest that you, nevertheless, continue volunteering while Government bounties are paid, and thus create an excess to stand against the next call, which may come at any time.

JAMES B. FRY,
Provost-Marshal-General.

EXECUTIVE MANSION,
Washington, February 13, 1864.

Hon. HORACE MAYNARD,
Nashville, Tenn.:

Your letter of 2d received.* Of course Governor Johnson will proceed with reorganization as the exigencies of the case appear to him

* Not found.

to require. I do not apprehend he will think it necessary to deviate from my views to any ruinous extent. On one hasty reading I see no such deviation in his programme, which you send.

A. LINCOLN.

OFFICE, ACTG. ASST. PROVOST-MARSHAL-GENERAL,
Bridleborough, Vt., February 13, 1864.

Colonel FREY,
Provost-Marshal-General, Washington, D. C.

SIR: The appended slip, a proclamation of Governor Gilmore, of New Hampshire, was forwarded to me by General Washburn, adjutant-general of Vermont. Does not His Excellency misapprehend your telegrams? If he is correct, we will have but few men to raise here. This proclamation is having a very bad effect in this State, as town meetings were being called in the northern part of the State with a view of offering town bounties, but this proclamation has stopped them. The Vermonters think that if New Hampshire is clear of the draft, they are.

Respectfully, your obedient servant,

T. G. PITCHER,
Brigadier-General, Actg. Asst. Prov. Mar. General.

NEW HAMPSHIRE OUT OF THE DRAFT.

It will be seen by the following proclamation that New Hampshire has already raised a sufficient number of men to meet the wants of the Government under the two last calls. This will be gratifying news to the people of that State:

By His Excellency Joseph A. Gilmore, Governor of the State of New Hampshire, a proclamation to the people of New Hampshire.

I am informed by telegraph from Washington, on the authority both of the Secretary of War and the Provost-Marshal-General, that our State will be accredited with all men furnished under the draft of July 3, 1863, while no account will be made of men called for under that draft. As a consequence of this decision I am happy to say that New Hampshire is in excess of all demands upon her at the present time.

Our deficiency at the beginning of the present official year was	988
Quota called for October 17, 1863	3,708
Quota as estimated under call of February 1, 1864	2,512
Total	6,008
Men furnished under the draft	3,012
Men furnished under call of October 17	3,708
Re-enlistments from old regiments not reckoned as a part of our quota under the call of October 17	387
Total	7,107

In addition to the re-enlistments already reported at the adjutant-general's office, a number of men have been mustered as veterans from the Third, Seventh, and Eighth Infantry and the New Hampshire cavalry, and these are yet to be credited to the State. It is not too

much to hope that New Hampshire is at the present time at least 600 men in excess of all demands upon her. It is certain that her quota under every call is full.

While this cheering news relieves us from the necessity of any especial exertion to avoid a draft in the Old Granite State, let me appeal to her patriotic citizens to keep the balance on the right side. Other calls may be made upon us, and in meeting them New Hampshire must still head the column. Let us send into the field in the spring a full regiment of cavalry, composed exclusively of the sturdy yeomanry of our own State. As an incentive to continued effort in this direction, I do hereby announce that the State bounty of \$100 will continue to be paid till further notice to citizens of New Hampshire who enlist either as fresh recruits or veteran volunteers to the credit of towns in which they have residence. The bounties offered by the General Government of \$300 for fresh recruits and \$400 for veterans will be paid up to March 1, 1864.

Given at the council chamber, in Concord, this 9th day of February, in the year of our Lord 1864, and of the Independence of the United States the eighty-eighth.

JOSEPH A. GILMORE.

By His Excellency the Governor, with the advice and consent of the Executive Council:

ALLEN TENNY,
Secretary of State.

WOODSTOCK, VT., *February 13, 1864.*

Col. JAMES B. FRY,
Provost-Marshal-General:

Governor Gilmore has issued his proclamation stating that he has official information that all men raised under the draft and all raised under the call for 300,000 volunteers are to be credited against the present call for 500,000 volunteers, thus making the total call under the draft only 200,000, and that therefore New Hampshire has no men to raise. This has stopped enlisting in Vermont, as, if reliable, we have furnished all required and have a large surplus. If this is not so, and you would have enlisting resumed in Vermont, it is necessary that you inform me at once.

PETER T. WASHBURN,
Adjutant and Inspector General of Vermont.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 14, 1864.

General P. T. WASHBURN,
Adjutant-General of Vermont, Woodstock, Vt.:

All men not heretofore credited, whether raised by volunteering or drafting, will be credited on the quota of 500,000. Another call may, however, be made at any moment, and it would be exceedingly unwise in any locality to cease its efforts to raise volunteers, especially while Government bounties last. If an excess should be raised by any town, it would only be providing when labor is light for a call that will come when a much greater effort would be necessary to

answer it. Your general order some time since is so sound and wise that I am led to hope there will be no abatement in volunteering in your State for some time to come.

J. B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington, D. C., February 15, 1864.

Major-General SCHOTFIELD,
Knoxville, Tenn.:

The commander of your department was authorized to appoint officers for loyal regiments raised under his directions, subject to the approval of this Department; the rosters to be forwarded to the Department, and the officers, if approved, to be commissioned by the President. The same authority is conferred upon you. Why is it that you are compelled to make the inquiry? Did not your predecessors turn over their orders to you? Can you spare the Sixth New Hampshire, now at home recruiting, until the 10th of March? Their furlough expires 29th of February.

EDWIN M. STANTON,
Secretary of War.

KNOXVILLE, TENN., *February 15, 1864.*

Hon. E. M. STANTON:

I arrived here yesterday evening. The regiment of heavy artillery (colored troops) here has on its rolls nearly 500, and will rapidly be completed. I have set forward the organization of infantry regiments. Altogether, East Tennessee will furnish from 3,500 to 4,000 colored troops. It would greatly facilitate recruiting if artillery clothing was at once sent here for the first-named regiment. I only remained at Chattanooga a few hours, intending to give orders there on my way back to Nashville, in the course of a few days. I am pleased with the condition of affairs here, and am satisfied that General Longstreet cannot touch this place, but that he will be obliged before long to leave this hill country.

L. THOMAS,
Adjutant-General.

WOODSTOCK, Vt., *February 15, 1864.*

Col. J. B. FRY:

Am I to understand from your telegram just received that Vermont is to be charged with her quota of 500,000 men based upon the enrollment, and credited with the whole number furnished under the draft, and with the surplus furnished beyond her quota under the last call for 300,000 volunteers, and that besides this which will apply mainly to towns deficient under the draft, and under the call for 300,000 volunteers? It is desirable to raise all the men practicable within the time allowed. Many towns are to hold meetings in the next three days to vote bounties, and all are asking of me how many men are absolutely required. Many, if not most of them, if not informed will dissolve and do nothing, as some have already done through influence of Gov-

ernor Gilmore's proclamation and want of other information. If deficient towns are to be required to make good their deficiencies, it is specially important to them and to the State that they know it soon.

PETER T. WASHBURN,
Adjutant and Inspector General.

WASHINGTON, D. C., February 15, 1864.

General P. T. WASHBURN,
Adjutant-General of Vermont, Woodstock, Vt.:

The debits and credits of Vermont are as stated in your dispatch; but deficient towns should at once fill their quotas to secure themselves from draft under the amended act likely to pass Congress. And while Government bounties last all towns should raise men to meet an additional call, which may be made at any moment. Letter by mail gives your quotas and credits to January 31.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., February 16, 1864.

HIS EXCELLENCY GOVERNOR OF ILLINOIS:

SIR: I have the honor to inform you that from June 11 to December 31, 1863, the following credits of volunteers for three years' service have been given the State of Illinois:

	Three- years' men.	Aggregate three-years' standard.
1863.		
June 11 to Sept. 30.....	10,915	10,947
Oct. 1 to Nov. 30.....	880	880
Dec. 1 to 31.....	2,604	2,594
Additional credits.....		23,120
		61,211
Total number credited.....		18,000

a As per first adjustment between Illinois and Missouri.
b As per second adjustment between Illinois and Missouri.

I am, sir, very respectfully, your obedient servant,
THOMAS M. VINCENT,
Assistant Adjutant-General.

SAINT NICHOLAS HOTEL,
New York, February 16, 1864.

Col. JAMES B. FRY:

DEAR COLONEL: We have at last finished our work and to-day mail our report, and which we hope may be satisfactory.* Under all the circumstances it was all we could do. Our work was narrowed down to two things, either to report a new enrollment necessary, which was inexpedient, or adjust the quota from such census reports, &c., as were reliable. We make some suggestions, which I hope you will take as suggestions merely. They were made because, from the attention

*Next, *post.*

we had given the whole question, we thought might be valuable to the Department.

One item in our accounts we were not clear about, viz, the charge for hotel expenses in New York. None of us are particular on that point; but whatever may be the decision, I assure you that with that allowed, my expenses will not be met.

The tables we hope you may find of use in the future, as I doubt not they will satisfactorily explain our action.

Many other calculations were made and tables prepared, but we did not think them of sufficient importance to make part of the report. Should you wish them for your office, they can be had by writing to Hon. Leander Babcock, Oswego.

Wishing you every success in the arduous duties of your office, and again offering you any assistance in my power or information I can give as to my State,

I am, yours, very truly,

JOHN LOVE.

P. S.—I leave for home to-night.

J. L.

NEW YORK, *February 17, 1864.*

Hon. E. M. STANTON,
Secretary of War:

SIR: I have the honor to inclose herewith the report of the Commission to revise and correct the enrollment and quota of the city and State of New York.

Very respectfully, your obedient servant,

W. F. ALLEN,
Chairman Commission.

[Inclosure.]

NEW YORK, *February 16, 1864.*

Hon. EDWIN M. STANTON,
Secretary of War:

The special Commission appointed by the Secretary of War by order bearing date the 5th day of December, 1863, to revise the enrollment and quotas of the city and State of New York, and report whether there be any and what errors and irregularities therein and what corrections, if any, should be made, respectfully report:

That in pursuance of said order the Commission met and organized in the city of New York on the 16th day of December, 1863, and appointed Leander Babcock, of the city of Oswego, clerk; that they remained in session during that and the two succeeding days, and after conferences with General William Hays, acting assistant provost-marshal-general on duty in the city of New York, and Colonel Nugent, his predecessor, and determining so far as they could upon the mode of procedure and what information and documents would be required to enable them to discharge the duties devolved upon them, adjourned to meet at the same place on Tuesday, the 5th day of January, 1864. During the recess General Love, one of the said commissioners, at the request and by the direction of his associates, visited Washington and Albany to confer with the War Department of the General Government and the proper authorities of the State of New York and obtain such information and documents as then could be procured; and subsequently Mr. Smith, another member of the Commission, at the request of his associates, visited Washington for a like purpose.

The Commission again convened in the city of New York on said 5th day of January, 1864, and have continued in session from day to day until the present time, making such progress in the work assigned them as they could with the means and information at hand or within their reach.

There has been some delay in the investigation and examination for the want of information and documents from the War Department, which could not at once be furnished, and some of which had to be obtained by the Department from different branches of the same or from other sources.

This explanation is made not for the information of the War Department, but for the benefit of others interested in the action of the Commission, and who may not be familiar with all the facts.

The Commission take pleasure in acknowledging the readiness and promptness with which Colonel Fry, the Provost-Marshal-General of the United States, has furnished them with the documents and information asked, and facilitated, so far as he could, all their labors. They have also received valuable aid in the form of statistics, tables, and estimates of the different classes of population in the several States from Hon. Mr. Kennedy, of the Census Bureau, at Washington. They have also been attended from time to time by Colonel Nugent, and have called before them and examined the provost-marshals of the several districts in the cities of New York and Brooklyn who were in service and took part in the enrollment of 1863. They were also assisted for a time in their labors by Captain Turner, of the volunteer service, who was detailed by General Hays for that purpose; and they would state generally that every desired aid and facility has been furnished by General Hays and all under his command, or in any way connected with the military service.

General J. B. Stonehouse, assistant adjutant-general of the State of New York, has attended the Commission upon several occasions, and made valuable suggestions, and placed at the disposal of the Commission such records and documents as were in the State offices. The object of the Commission was, first, to ascertain whether the enrollment of the city and State of New York was perfect and accurate, or so nearly so as to constitute a just and equitable basis for the assignment of quotas and the apportionment of men to be furnished for the military service of the United States; and secondly, in case the enrollment should appear to be so materially and substantially imperfect or erroneous as not to form a proper basis for the purpose named, to determine whether it could be corrected and made perfect and complete, or reasonably so; that is, so corrected as to show with reasonable accuracy the actual number of men in the State and the several districts thereof liable to be enrolled and to military service under the act of Congress of March 3, 1863.

An excessive enrollment in any State will not work an injustice as a basis for a draft, provided men are called into service only by drawing a given number or proportion of those enrolled, and only such are taken as are obtained and held to service upon such draft. The enrollment of exempts, or the swelling of the lists by fictitious names or the names of non-residents, increases the number to be drawn from, and, of course, the number of names to be drawn; but the names improperly enrolled represent a like number in the draft and the names actually drawn, and thus balance the account.

But if the number which the proportion called for would give is required to be furnished, either by repeating the draft until it is obtained or by volunteers to be furnished by the State, it is obvious

that an accurate enrollment is indispensable, and an excessive enrollment operates to the prejudice of the State. For example, in a given district there are precisely 500 men belonging to the first class, as defined in the conscription act, and these are all enrolled, and with them 500 who are non-residents, aliens, or otherwise exempt.

Upon an order for a draft of seventy-five the Government would be entitled to 100 men, and very likely would obtain but that number upon a draft from the whole 1,000, although 200 names would be drawn.

But if the draft is repeated, or the district made to furnish volunteers until one-fifth of the 1,000 are furnished, the Government will get 200 men instead of 100; that is, two-fifths instead of one-fifth of the 500 men properly enrolled. Again, if the enrollment of one State is excessive as compared with other States, it will not constitute a proper basis for the apportionment of men to be furnished by the several States for the U. S. military service, and whether one State enrolls more than the proper number, or the other States enroll less, the result will be the same. For instance, suppose two districts, each containing precisely 1,000 men of the first class, and who should be enrolled, and in one the whole 1,000 are enrolled, while in the other but 800 are enrolled; upon a draft of one-fourth, ordered upon the basis of the enrollment, the former district would furnish 250 men while the latter would furnish but 200. So that even upon a draft ordered upon an apportionment among the several States in proportion to the number of men enrolled, or in any way upon the basis of the enrollment, it is indispensable to complete justice between the States that the enrollment should be substantially complete and perfect in all of the States; that is, that all should be enrolled who are liable to serve in the national forces, as defined by the act of Congress before mentioned. If the enrollment in any one State is defective it will destroy the equality of the apportionment.

In proceeding to ascertain the accuracy of the enrollment the Commission had before them the law of Congress under which the same was made and the several orders emanating from the War Department to the officers charged with the enrollment, and called before them and examined upon interrogations, and, when deemed necessary, orally and without oath, the several provost-marshal under whose immediate direction and supervision the enrollment in the cities of New York and Brooklyn was made.

The result of this branch of the investigation accords substantially with the suggestions of Colonel Fry in his report to the Secretary of War dated November 17, 1863, that imperfections and errors will necessarily occur to a greater extent in a large city than in a rural district, and the more transient and floating the population in a given district the greater the liability to an erroneous and excessive enrollment.

Difficulties were encountered by the officers in making the enrollment in the metropolitan districts which did not exist, certainly to so great an extent, elsewhere.

In the older settled and agricultural districts the age, condition, and liability to military service of every male citizen would be very likely known to the enrolling officer, so that but little if any reliance need be placed upon information acquired while collecting the names or perfecting the enrolled lists, while the officer could in the nature of things know but little, if anything, of the great mass of individuals in the more populous districts of large cities.

In some districts the officer would be compelled to rely mainly upon what he could learn upon inquiries made while traversing his district in the discharge of this particular duty, and, bearing in mind as he should the great aversion of the masses to the enrollment as a preliminary to a draft, he would receive with distrust and suspicion every statement which would tend to keep the name of an individual from the list of the enrolled, and in a majority of cases would, in the language of the officers examined, "give the Government the benefit of the doubt" and enroll the man, leaving him to establish his exemption before the enrolling board.

Again, questions of alienage, physical disability, &c., could not be decided by the enrolling officers, but were left to the decisions of the boards. In fact, they were not passed upon until after the draft and in respect to those who, when drafted, claimed exemption upon the ground suggested. Indeed, these questions cannot be either well or satisfactorily decided in the progress of an enrollment. Alienage cannot well be determined except upon an investigation to some extent judicial, and physical disability can in most cases only be passed upon by a competent surgeon. Residence and age may in some, and perhaps most, instances be determined by the enrolling officer if sufficient time and opportunity for investigation be given.

To speak particularly of the city of New York, several causes operated, it may be said necessarily, to produce an erroneous and excessive enrollment:

First. There is in the city a large floating population—said by some to amount to 30,000 or over—having no permanent residence or none that can be satisfactorily ascertained, and many moving from place to place, and whose proper place of enrollment, even if liable at all, will always be doubtful. This class would be very likely enrolled wherever found and in as many districts as they should be found in while the enrollment is being made.

Second. At all times the city has been the resting-place and temporary abode of a large body of alien immigrants, and this class has largely increased since the existence of the war, as immigration has been greatly stimulated by the high price of labor and other causes, and while there has been a large drain from the foreign population into the Army, the aggregate number now in the city is probably not less than at former periods, and the population of aliens—that is, those who have not taken any steps to become naturalized—it is thought is larger than before. This class are all necessarily enrolled for the reasons suggested before—that the enrolling officers had no power to pass upon the question of alienage.

Third. In some portions of the city as in other places there are large manufacturing establishments and other branches of business carried on employing many men, and it is fair to presume that many of these employes, residents of other districts, have been enrolled at the place of their work, and perhaps also at their residence, and this for the reason that the officer could not, with the means at his command, satisfactorily determine the proper place of enrollment; and the individual perhaps has "winked" if not connived at an enrollment in the wrong rather than in the right district for the obvious reason that a draft in the former would not compel him to service.

One fact should be stated in this connection which was disclosed by the examination of one of the provost-marshal's of the city of New York, exemplifying very strongly the difficulties in the way of a correct enrollment in the view of the officer. In order to "correct" the enrollment of his district, after the draft of 1863, he resorted to the

election poll lists of his district, and transferred over 5,000 names from such lists to the enrollment lists without inquiry as to age or condition. Of course, a faithful officer would not have taken this step had there been any mode or means at his command in or by which an accurate enrollment could have been made.

The time allowed for making the enrollment, while it was ample for the mere collection of names, was entirely too limited for such inquiries and investigations as might have been made, the better to enable the officers to exercise the very restricted discretionary powers vested in them, as to who were the proper subjects of the enrollment.

The law itself, as well as the orders issued by the War Department for its execution, and of which no complaint is made, as they were evidently proper in the emergency, necessarily compelled an excessive enrollment—that is, the enrollment of aliens, the physically incompetent, and other exemptions—and did not and could not effectually guard against the enrollment of non-residents and those not within the proper ages, or other errors and imperfections; and the consequences of these defects in the system—if defects they are—are, of course, more serious and more apparent in cities than in the country.

The Commission, by way of testing the regularity and correctness of the enrollment of the State of New York, instituted a comparison between it and that of the other States. They ascertained the whole number within the ages and description of those composing the first class of the national forces under the conscription act in each State by an estimate and calculation based upon the census of 1860, and upon the principle adopted by the Census Bureau at Washington. Perfect accuracy is not claimed for this estimate, but it approximates sufficiently near the truth for the purpose for which it is used, and no injustice is done to any State by any comparison based upon it. The Commission then ascertained the percentage actually enrolled of the number thus estimated as belonging to the first class in each State, and in each district of the State of New York.

The tables hereto annexed, marked A and B, give the results of these comparisons.

The discrepancies cannot, in the judgment of the Commission, be explained upon any theory which has been suggested. The variances are entirely disproportioned and, in some instances, in direct opposition to the census exhibit of the relative proportion of males and females, as well as of the males within the military ages, in the several States. The lowest enrollments are in Delaware, Rhode Island, and Vermont, while the largest is in New York, and they range from 575 in Delaware to 1,350 in one district in New York City to each thousand of the first class of the males estimated as above. The average enrollment to the thousand in the State of New York is 818, and in Vermont 614, and in all the States, exclusive of New York, 721, and including New York 737.

The average enrollment to the thousand in all the New England States, 637; in New York, Pennsylvania, and Ohio, 764, and in Michigan, Illinois, and Indiana, 767. The result of this grouping of the several States, as well as the comparative enrollment in each State, shows conclusively that there has been no uniformity in the enrollment in the several States, or even in the different districts of the same State. If the same proportion of those estimated as above, belonging to the first class, had been enrolled in New York as the average enrollment in the other States, the enrollment in New York would have been 380,822, instead of 427,469. Most of this excess is in the cities of New York and Brooklyn. Other things being equal—that is,

there being nothing in the character of the population of New York to cause it to differ from the other States and districts—we should expect to find the enrollment of so large a city and State about on an average with the other States—that the enrollment would be a medium or mean between the two extremes, and not the most extreme. Nothing will be found in the character of the population to account for the difference that actually exists. In the city, as well as in the entire State, the females exceed the males in number.

In New York City it is true that there is a greater proportion of males within the military ages than in some other districts, but this is more than compensated by the large number of aliens and other exemptions found in the city. So that there is nothing in the character of the population of the city or State of New York to call for a larger enrollment than is made in the other States.

The result of the draft was resorted to as another test of the enrollment, it being supposed that if the enrollment was uniform and equal in the several States and districts the result of the draft would be substantially the same in all.

Upon investigation it was found that in the districts where the enrollment was largest, and especially in those districts where, for the reasons suggested, if anywhere, an excessive enrollment might be looked for, the results of the draft were the least favorable to the Government, the fewest men were obtained, and the greatest number failed to report, or have been since found.

The inference is that many of those enrolled and drafted were non-residents, or had no existence at all, or for some other reason were improperly placed upon the enrollment.

The consequence is that the Government is the loser by an excessive or defective enrollment in this, that it does not get the men wanted or expected from any draft from it. A table annexed, marked C, shows the results of the draft in several of the States and districts and exemplifies the truth of these suggestions.

The Commission, after a full investigation, and in view of all the facts elicited, are unanimously of the opinion that the enrollment in the State of New York is imperfect and erroneous, excessive in some districts and possibly too small in others, and certainly excessive in the cities of New York and Brooklyn, and especially as compared with other States, and cannot be relied upon as a just and equitable basis for the assignment of the quota of the State of New York, or among the several districts thereof. Justice to the enrolling officers and agents requires that it should be distinctly stated that their fidelity or integrity is by no means impeached by any inaccuracies that may exist in the enrollment. They were the necessary result of the execution of the law under the circumstances, and with the means at the command of the officers, and it is not perceived how they could be avoided.

Second. The second subject of inquiry was whether, and if so, by what means and in what manner, the enrollment could be corrected, so as to make it a just and proper basis for the assignment of quotas. A new enrollment was of course out of the question, and could one have been made it is not perceived how the difficulties before encountered could have been overcome or the mistakes and errors of the first enrollment amended. The resort to the poll lists was an attempt by an experienced officer, familiar with the enrollment from the first, to correct the enrollment in his district. The same causes of error and imperfection still exist and are at work, and would undoubtedly produce the same results. The difficulty in the first enrollment was

not in the enrolling agents, but in the system and means and appliances at the command of the agents. The Commission were unable to devise any process or means to correct the enrollment and make it what it should be as a reliable and satisfactory basis for the adjustment of quotas. Whatever might be done in this direction would necessarily be by estimates and calculations, and these would be founded upon some assumed data, so that there would be nothing reliable in any result that should be attained. At best, the estimate would be the result of a guess, or proceed upon some arbitrary rule which it might be supposed would equalize the enrollment of the State of New York with that of the other States. But the result would not inspire any confidence as to its correctness, either absolutely or comparatively. If the New York enrollment should be made to conform to the average of the other States, to wit, 721 to each thousand of the first class, it would be the result of a rule adopted for convenience and without foundation in reason or principle. Such correction would leave the enrollment and quota of New York larger than that of the New England States, and would make it smaller than that of Pennsylvania and some of the Western States, with nothing in the character of the population to justify the discrimination. The same remarks will apply with like force to any other plan or process for equalizing or correcting the enrollment of New York by estimates and calculations. The Commission were therefore unable to correct the enrollment and make it right, or substantially or comparatively so, and as the quota assigned upon an enrollment imperfect and erroneous is necessarily erroneous and may be unjust, they were compelled to resort to some other means to correct it. The facts and figures show conclusively that the enrollment of the cities of New York and Brooklyn are excessive, and the Commission are of the opinion that any enrollment made by faithful agents, with the present limitations upon their powers and discretion, and with their present helps and means, must be excessive and cannot constitute a proper basis for apportionment of men to be furnished upon a call for volunteers.

The quota assigned to the city and State of New York under the call of October 17, 1863, being therefore excessive, the next inquiry was, in what way the error could be corrected and the quota made right.

Three methods were suggested: First, to adjust it upon the basis and in proportion to the entire male population; second, upon the basis and in proportion to the male population between the ages of twenty and forty-five; and, third, upon the basis and in proportion to the entire population. The first two methods were rejected and the third adopted, for the following among other reasons:

First. It was less favorable to the city and State of New York than either of the other two, and yet, while it was so, it was a rule of which the State could not complain, as it was a rule by which other benefits and burthens are distributed among the States.

Second. A call for volunteers is in one sense a tax upon the States and communities; large bounties have to be paid to obtain the men, and States and communities act upon this established fact, and by tax compel each man to contribute his share, so that the burthen falls upon property as directly as if Congress had laid a direct tax for the same purpose. In this respect representative population is a constitutional basis for the apportionment of this burthen.

Third. In all the acts of Congress thus far passed upon the subject of raising volunteers by calls upon the several States, population has been made the basis of the apportionment. Acts of July 22, 1861, July

25, 1861, and July 17, 1862, are explicit upon the subject. These acts are not repealed and still apply to any calls made under them, and whether they should govern the call of October 17, 1863, is not for the Commission to decide. They are only referred to as expressions of the judgment of the legislature of the proper basis for a call for volunteers where no other mode is prescribed.

Fourth. While taking either of the other methods the result might be varied in some of the States, the method adopted will, it is thought, place the burthen where it can best be borne as a tax to some extent upon property and produce no hardship anywhere.

Without questioning or calling in question the construction of the conscription act in the orders or calls made under it, the Commission, in view of the fact that the enrollment is clearly and confessedly inaccurate and imperfect, and in the city of New York excessive, are unanimously of the opinion that the population constitutes the only safe and proper basis for the assignment of quotas and the apportionment of men to be furnished by the State of New York upon a call for volunteers. But while no other basis than the enrollment is recommended for any draft that may be ordered, the Commission are unanimously of the opinion and recommend that in any case, if a State or district will and do furnish its just share and proportion of men required under any call or order for a draft, in proportion to population, such State or district should be held to have fully complied with the call and be relieved from the draft.

The Commission fully believe that in no other way can justice be done or satisfaction given, and that by any other procedure the calls and drafts will be regarded as oppressive and become odious.

Upon the basis suggested, which is commended by its equity and fairness and is believed not to be opposed to law, there can be no doubt that every call for men will everywhere be responded to cheerfully and heartily, and neither men nor money for the suppression of the rebellion and restoration of the Union in its integrity be withheld or given grudgingly or stintedly. Nothing but an appearance of wrong can create an opposition in the popular heart or mind to any demand of the Government for aid in this the time of its great struggle.

In conclusion, the Commission are of the opinion, and so report, that the quota assigned to the State of New York and the quotas assigned to the several districts of the cities of New York and Brooklyn are erroneous and excessive and should be reduced.

That the just and fair quota of the State of New York under the call for 300,000 men in October, 1863, is 52,858, and that the State should not, under that call, be required to furnish a greater number of men as volunteers.

The Commission have prepared a table, which is annexed to and forms a part of this report, and is marked D, in which the proper quota above stated is apportioned among the several districts of the State of New York, and they report that said quota so apportioned to the several districts is, in their opinion, the just and equitable quota for the said districts, respectively, and they unanimously recommend the adoption of this table of corrected quotas in lieu and correction of the assignment of quotas heretofore made by the War Department regarding the call as for volunteers.

All which is respectfully submitted.

W. F. ALLEN.
JOHN LOVE.
CHAUNCEY SMITH

TABLE A.—Showing the ratio of enrolled men in the first class of the national forces in the several States.

(N. B.—The first class is made up by adding to the number of men between the ages of twenty and thirty-five one-sixth of those between thirty-five and forty-five.)

States.	Males 20 to 35.	Males 35 to 45.	First class.	Number of first class enrolled.	Ratio to first class.
Connecticut.....	68,000	28,327	92,727	38,450	013
Delaware.....	15,271	5,751	14,220	8,181	575
Illinois.....	230,572	98,798	253,638	107,787	781
Indiana.....	161,770	67,917	175,695	134,103	702
Iowa.....	84,525	39,020	94,028	68,683	683
Maine.....	72,008	34,070	78,586	59,070	683
Massachusetts.....	157,532	77,032	170,870	107,605	620
Michigan.....	100,412	46,403	107,064	70,085	740
Minnesota.....	25,060	17,216	28,820	20,805	721
New Hampshire.....	37,407	18,481	40,488	20,074	656
New Jersey.....	82,843	40,747	88,707	60,812	753
New York.....	482,715	230,543	522,638	427,100	818
Ohio.....	270,008	124,259	290,897	207,800	700
Pennsylvania.....	340,100	159,770	390,720	270,025	730
Rhode Island.....	21,868	10,680	23,632	14,403	610
Vermont.....	35,471	17,635	38,410	23,508	614
Wisconsin.....	93,024	40,635	101,890	74,500	753
Total.....	2,284,087	1,073,101	2,402,217	1,815,483	787

Ratio without New York, 721.

TABLE B.—Showing the ratio of enrolled men in the first class of the national forces in the several districts of New York.

Districts.	Males 20 to 35.	Males 35 to 45.	First-class national forces.	Number enrolled.	Ratio enrolled.
First.....	14,000	7,822	10,210	11,812	720
Second.....	18,185	9,000	10,518	21,483	1,101
Third.....	17,016	8,490	18,451	10,580	808
Fourth.....	24,637	10,357	20,303	50,557	1,160
Fifth.....	10,235	6,130	20,750	17,703	853
Sixth.....	18,075	7,728	17,363	23,447	1,350
Seventh.....	18,103	9,123	10,628	18,013	918
Eighth.....	21,675	11,507	23,603	25,212	1,004
Ninth.....	16,101	8,003	10,635	13,360	803
Tenth.....	18,034	7,830	10,640	12,568	030
Eleventh.....	11,591	6,635	12,330	10,465	848
Twelfth.....	12,018	6,650	14,068	10,070	782
Thirteenth.....	12,075	6,445	14,040	10,704	700
Fourteenth.....	17,412	8,810	18,880	13,987	741
Fifteenth.....	10,202	7,028	17,623	12,002	710
Sixteenth.....	10,710	6,020	11,553	7,005	080
Seventeenth.....	12,004	6,562	13,024	8,843	707
Eighteenth.....	16,294	7,625	10,488	12,805	740
Nineteenth.....	16,770	7,074	17,058	12,000	744
Twentieth.....	10,000	7,027	17,060	18,402	745
Twenty-first.....	11,852	6,211	12,887	6,100	713
Twenty-second.....	14,007	6,020	15,220	11,003	720
Twenty-third.....	14,176	7,054	16,361	11,195	720
Twenty-fourth.....	10,200	8,008	17,013	12,003	085
Twenty-fifth.....	12,008	6,168	13,080	10,435	740
Twenty-sixth.....	18,807	9,782	14,037	11,200	754
Twenty-seventh.....	18,243	8,000	17,077	12,850	727
Twenty-eighth.....	16,612	7,700	10,772	11,037	094
Twenty-ninth.....	18,470	8,018	14,581	6,332	610
Thirtieth.....	10,205	8,008	17,711	13,106	745
Thirty-first.....	12,045	6,108	13,008	6,407	093

TABLE C.—*Showing the ratio of men held to service of those drafted in 1863 in the several States and in the metropolitan and country districts of New York.*

States.	Number of men drafted.	Number held to service.	Ratio.
Maine.....	10,080	4,641	283
New Hampshire.....	8,104	3,100	283
Vermont.....	7,071	2,844	403
Massachusetts.....	32,114	0,303	100
Rhode Island.....	4,271	1,233	280
Connecticut.....	11,540	3,950	341
New York.....	100,104	21,560	215
Pennsylvania.....	82,317	27,723	337
Delaware.....	2,454	845	244
Maryland.....	8,018	803	103
District of Columbia.....	6,798	1,183	204
Michigan.....	0,420	2,573	400
Wisconsin.....	15,200	4,863	310
Total.....	290,550	81,710	283
Districts from 2 to 4, inclusive, in New York.....	20,278	3,502	133
The remaining districts of New York, exclusive of the above.....	73,880	21,007	285

TABLE D.—*Showing the quota of the several districts of the State of New York of 300,000 men assigned on the basis of the total population by the census of 1860.*

Districts.	Total popu- lation.	Quota.
First.....	120,142	1,718
Second.....	140,050	2,002
Third.....	132,172	1,800
Fourth.....	114,700	1,630
Fifth.....	120,083	1,711
Sixth.....	117,148	1,500
Seventh.....	112,524	1,603
Eighth.....	173,001	2,370
Ninth.....	125,241	1,700
Tenth.....	135,001	1,858
Eleventh.....	10,107	1,310
Twelfth.....	112,113	1,627
Thirteenth.....	108,311	1,475
Fourteenth.....	148,588	2,021
Fifteenth.....	132,227	1,801
Sixteenth.....	05,383	1,200
Seventeenth.....	114,524	1,560
Eighteenth.....	120,778	1,708
Nineteenth.....	135,550	1,810
Twentieth.....	138,000	1,893
Twenty-first.....	105,201	1,433
Twenty-second.....	110,418	1,627
Twenty-third.....	110,080	1,568
Twenty-fourth.....	131,001	1,793
Twenty-fifth.....	101,390	1,422
Twenty-sixth.....	114,002	1,585
Twenty-seventh.....	135,487	1,815
Twenty-eighth.....	120,305	1,702
Twenty-ninth.....	114,553	1,560
Thirtieth.....	141,071	1,934
Thirty-first.....	102,304	1,410

FEBRUARY 25, 1864.

SECRETARY OF WAR:

You will observe that the main argument in the report is one to show that in raising troops equal and exact justice cannot be measured out by the assignment of quotas calculated upon an erroneous

basis, and the Commission demonstrates this point by illustrations and examples. I have never known any intelligent person to entertain a doubt as to the fact thus elucidated by the Commission. Having established this point, the Commission, without giving the reasoning in full, announces its conclusions. I state and remark upon them seriatim.

The Commission determines:

First. As stated above, that an erroneous enrollment used as a basis for assigning quotas "may operate to the prejudice of the State."

Second. That imperfections and errors "in an enrollment will necessarily occur to a greater extent in a large city than in a rural district, and the more transient and fluctuating the population in a given district the greater the liability to an erroneous and excessive enrollment."

Third. That in the "city of New York several causes operated, and necessarily, to produce an erroneous and excessive enrollment." Three of these causes are named: First, floating population; second, presence of alien immigrants; third, the presence in the city of large manufacturing establishments whose employes do not or may not reside at their place of labor. A manifest error of judgment, not previously known to this office, on the part of one of the prevest-marshals in having transferred names from the election poll lists to his enrollment lists, which action was entirely exceptional, is also set forth by the Commission as a further proof of erroneous enrollment. In this connection the Commission says:

"The law itself, as well as the orders issued by the War Department for its execution, and of which no complaint is made, as they were evidently proper in the emergency, necessarily compelled an excessive enrollment—that is, the enrollment of aliens, the physically incompetent, and other exemptions—and did not and could not effectually guard against the enrollment of non-residents and those not within the proper ages, or other errors and imperfections, and the consequences of these defects in the system—if defects they are—are of course more serious and apparent in cities than in the country.

Fourth. That "the enrollment in the State of New York is imperfect and erroneous, excessive in some districts and possibly too small in others, and certainly excessive in the cities of New York and Brooklyn, and cannot be relied upon as a just and equitable basis for the assignment of quota of the State of New York or the districts thereof." That the "inaccuracies were the necessary results of the execution of the law under the circumstances, and it is not perceived how they could be avoided."

Fifth. The Commission were unable to devise any process or means to "correct the enrollment and make it what it should be as a reliable and satisfactory basis for the adjustment of the quota." The Commission did not perceive how the difficulties before encountered could have been overcome or the mistakes and errors of the first enrollment amended. "The same causes of error and imperfection still exist and are at work and would undoubtedly produce the same results."

Sixth. The quota assigned to the city and State of New York under the call of October 17, 1863, being excessive, the way in which "the error could be corrected and the quota made right" is to assign the quotas upon the basis and in proportion to the entire population.

To the conclusion of the Commission as enumerated I reply as follows:

To the first: It cannot be denied that with an imperfect basis,

exact justice may not be found in the assignment of quotas. This needed no proof, but in the matter under consideration a perfect basis cannot be found, nor can exact justice be dealt out.

To the second: The conclusion is entirely correct; the fact needed no indorsement.

To the third: It is true that in the city of New York many causes operated "necessarily to produce an erroneous and excessive enrollment," but I have already explained to you (see my report of August) that special care and great diligence and labor were bestowed to neutralize the evil effects of these causes, and I have shown, and can if necessary show further, that the pains taken did prevent or remove in a reasonable degree the errors likely to arise from the causes operating. That a "floating population," the presence of "aliens," and the existence of "large manufacturing establishments" should add to the difficulties of an enrollment in New York City is plain enough. These difficulties, however, are common to all large sea-board cities, and prevail in taking the census, which the Commission recommends as a basis for making the quotas "right."

The only source of error in the enrollment peculiar to the city of New York, and which probably did not exist to the same extent in taking the census, arises from the fact that the political condition of New York during the spring and summer was such as to breed a senseless opposition to a correct enrollment. Ignorant men and women were led to think that the execution of a law distasteful to them and dangerous to the hopes of their leaders might be defeated by the straws they throw in its way, and that by obstructing the enrollment they might prevent a draft. On this account it is doubtless true that the enrolling officers in many cases, finding themselves unable to get correct information, entered fictitious names and names which should have been omitted, and failed to procure names which should have been entered. The draft has not yet been carried far enough to make these defects—for which the people are responsible—burdensome, and notwithstanding the discouraging view taken of it by the Commission, I have no doubt the defects will be essentially corrected before any great hardship will result from them. You will perceive in this third conclusion of the Commission that the manner of carrying out the law as regards making the enrollment is approved, but it is clearly stated that the "law itself" necessarily compels error and injustice. I regret to say that the entire report seems to me to have been prepared with a view to prove that the law must necessarily produce error, injustice, and hardship. I do not feel it my duty to enter upon a defense of this measure further than to say that, in my opinion, less injustice is likely to result from the assignment of quotas under this law than under any other, and that the wisdom and patriotism of the last and the present Congress could not have been more clearly displayed than in making and amending the enrollment act. The results of the direct and indirect operation of this law in strengthening the Army, periodically reported to you, give evidence on this point, and I think afford a sufficient answer to the political effect likely to be produced—whether intentional or not—by the report of the Commission.

To the fourth: I do not dispute that "the enrollment in the State of New York is imperfect and erroneous," but I deny, and the Commission has failed to establish, that its errors and imperfections are greater than those to be found in any other basis that could be obtained. I do not dispute that it "cannot be relied upon as a just and equitable

basis for the assignment of quotas," but I assert, and no one can deny, that no just and equitable basis can be found for the assignment of quotas; and in this war our cause would be lost if all men stood exactly upon the order of their going, and it is injured by any effort or argument to induce them to do so. The Commission states that the inaccuracies of the enrollment were a necessary result under the circumstances, but it fails to show that inaccuracies to an equal or greater extent do not and would not prevail on any other basis. The Commission seems to have disregarded the fact that the sources of error were well known to the officers of this Bureau and that extraordinary pains were taken to remove them, and it condemns the enrollment after arriving at certain results by a comparison of the enrollment of 1863 with certain tables prepared by it from the census of 1860. It is not deemed necessary to discuss at length the results derived from such a comparison. The census of 1860 is no more likely to have been correct throughout the country at the time it was taken than the enrollment is now. In the city of New York it was less likely to have been correct, as especial care was taken there to perfect the enrollment. (See my report of August.) But if the census in 1860 and the enrollment in 1863 were at those periods equally near correct, it is unreasonable, if not absurd, to suppose that the mutations of three years have not added so much to the inaccuracies of the census of 1860 as to render it at this time more unreliable and unjust as a basis for quotas than the enrollment of 1863. The Commission in these tables exposes itself to other sources of error which it is not necessary to notice in detail; as, for example, it assumes that a certain number of the males in the census tables between the ages of thirty-five and forty-five were married, and makes calculations upon this assumption to show what the number enrolled in 1863 ought to have been. The first entry in Table A, for example, shows, on the premises assumed as above, that in 1860 there might have been in Connecticut 62,727 men liable to be enrolled in the first class, and that in 1863 we actually enrolled in that class 38,456. I am unable to perceive the force of this mode of proving that the present enrollment in New York is excessive.

To the fifth: If correct, this conclusion of the Commission, in connection with what precedes it, would of course lead to an entire abandonment of the enrollment and all action dependent upon it. I think, however, it has already been shown—certainly the contrary has not been proven—that the enrollment, though imperfect, is as nearly correct as any other basis; and notwithstanding the inability of the Commission to devise any means by which the enrollment can be made "what it should be as a reliable basis," I think there is no doubt whatever about removing many of its material inaccuracies. The Commission is wrong in stating that "the same causes of error and imperfection still exist and are at work and would doubtless produce the same results." The inexperience of the officers and agents does not still exist. One cause of error was the magnitude of the work to be done; what has already been done removes to some extent this cause. A greater cause, which does not still exist, was the ignorance or misapprehension of the people as to the effect of an erroneous enrollment upon those actually and properly enrolled. They now see that justice in the assignment of quotas makes it to their interest to have the lists purged of all names erroneously entered, and fairness among those liable to draft makes it to their interest to have entered the names of all who are liable. It is not

necessary to mention other causes which existed formerly and do not exist now.

To the sixth: If the quota assigned to New York in October last is wrong, the means proposed by the Commission to make it right are, to say the least of it, very extraordinary. The enrollment upon which its quota was assigned was made in 1863, in pursuance of law, by persons of acknowledged efficiency and honesty, and who are fully indorsed by the Commission itself. It was subjected to close and immediate scrutiny and repeated revision; and although it may be in excess, it is still an enrollment only of men of age to bear arms, and must be more accurate as a basis for present purposes than the population of 1860, which includes men, women, and children, old and young, but excludes the thousands of able-bodied men who have taken up their residences in New York since 1860, and who, in one way or another, are made to go far toward filling New York's quota of troops.

The reasons given by the Commission for its conclusion on this point are, if possible, more extraordinary than the conclusion itself. The first is, that this mode of assigning quotas would be "less favorable to the city and State of New York" than certain other modes discussed. There is no disposition in this Bureau to favor a plan because it is unfavorable to the city or State of New York, nor can I perceive any reason for doing so. The second reason given is that a call for volunteers is in one sense "a tax upon the States and communities; large bounties have to be paid to obtain the men, and States and communities act upon this established fact and by tax compel each man to contribute his share, so that the burden falls upon property as directly as if Congress laid a direct tax for the same purpose. In this respect representative population is a constitutional basis for the apportionment of this burden."

The call of October 17 was not a call for "volunteers" in the sense in which the Commission applies this reason. The proclamation of the President and the instructions issued and information given at the time made this apparent, and the Commission was made aware of it by me through one of its members. It was an announcement of draft intended for January 5 under the enrollment act, and the quotas assigned were quotas for draft, subject to suitable corrections at the proper time. They were announced in advance that the people might have an opportunity to reduce them by volunteering if they desired to do so. The whole scheme was under the enrollment act, and was only a liberal and gentle application of that law. This statement also covers the third reason of the Commission, which is that "in all the acts of Congress thus far passed upon the subject of raising volunteers by calls upon the several States, population has been made the basis of the apportionment. Acts of July 22, 1861, July 25, 1861, and July 17, 1862, are explicit upon the subject." Fourth reason: "The method adopted will, it is thought, place the burden where it can best be borne, as a tax to some extent upon property, and produce no hardship anywhere."

As stated above, the "burden" of October 17 was laid under the enrollment act, which contemplates personal service or an equivalent from every man liable to military duty, and not to levying a tax upon property. There is an inconsistency in the reasoning of the Commission which may here be noticed. It satisfies itself in the first place that an excessive and consequently unjust quota has been assigned

to New York. It then gives as a reason for resorting to another method of assignment that that method will be less favorable to New York than certain other methods. Another reason then given for its plan is that by it "the burthen will be placed where it can be best borne." I have no desire to see an undue burthen placed upon any locality, but if there is a place that could on account of wealth, men, and commercial interests bear a heavy burthen it would be New York, and an excess there would be placing it where it "can best be borne."

The Commission finally reports as follows, viz: That they "are unanimously of the opinion that population constitutes the only safe and proper basis for the assignment of quotas and the apportionment of men to be furnished by New York upon a call for volunteers. But while no other basis than the enrollment is recommended for any draft that may be ordered, the Commission are unanimously of the opinion and recommend that in any case if a State or district will and do furnish its just share and proportion of men required under any call or order for draft, in proportion to population, such State or district should be held to have fully complied with the call and be relieved from the draft."

I disagree with the Commission in this opinion and recommendation. The Commission has evidently been absorbed by the conviction that the raising of men is, and will necessarily continue to be, equivalent to levying special taxes and raising money, and they would therefore require the same proceeds under the enrollment act from a district of rich women which they would from a district with the same number of men of equal means. I assume that we are looking for personal military service from those able to perform it; that we make no calls for volunteers in the sense in which the Commission understands it, but that we assign to the districts under the enrollment act fair quotas of the men we have found them to contain; that to defer personal service for the time the people of certain States and localities now raise money—bounties—of their own accord, and not through the laws or order of the General Government, and purchase substitutes; that this practice will naturally prevail while men and money are plenty, but that it may cease at any time, and is not a sufficient cause for the Government to depart from the sound principles of the law by which it can require and secure the services of its forces; and that, if politic, it would be a departure from the law to do so.

The Commission has assured the Government that "upon the basis suggested," "every call for men will everywhere be responded to cheerfully and heartily, and neither men nor money for the suppression of the rebellion and restoration of the Union in its integrity be withheld or given grudgingly or stintedly." My experience and observation in this Bureau justify me in asserting that the generosity and patriotism of the good people of the United States and of the State of New York will not in raising troops be dependent upon the adoption of "the basis suggested" by the Commission, nor upon the decision of any other question that has arisen in connection with this subject.

There is no practical point to be considered in connection with the assignment of quotas under the call of October 17, as the President's order of February 1 for a draft on March 10 for 500,000 men includes the 300,000 announced on October 17, as the quota for draft on 5th of January. The order of February 1 and the quotas assigned are wholly under the enrollment act.

In conclusion, I would recommend that the quotas in certain districts in New York for the draft on 10th of March be reduced in the same ratio in which the President reduced them for the draft in July last, and that the President's orders then given as to a new enrollment be carried out without interfering with the draft now ordered.

J. B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 64. } *Washington, February 18, 1864.*

REFUGEES AND REBEL DESERTERS.

Whenever refugees from within the rebel lines, or deserters from the rebel armies, present themselves at U. S. camps or military posts they will be immediately examined by the provost-marshal with a view to determine their character and their motive in giving themselves up. If it appear that they are honest in their intention of forever deserting the rebel cause, care will be taken to explain to them that they will not be forced to serve in the U. S. Army against the rebels, nor be kept in confinement. The President's proclamation of December 8, 1863, will be read to them, and if they so desire the oath therein prescribed will be administered to them. They will then be questioned as to whether they desire employment from the United States; and if so, such arrangements as may be expedient will be made by the several army commanders for employing them on Government works within their commands. Those who come to the Army of the Potomac will be forwarded to the Military Governor of the District of Columbia, at Washington, with reports in their cases, that employment may be given them if desired; or, if not, that they may be sent as far north as Philadelphia.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, February 18, 1864.

THE SECRETARY OF THE TREASURY,
Washington, D. C.:

SIR: The Secretary of War instructs me to transmit to you the inclosed copy of the final report of Brig. Gen. R. Saxton, dated at Beaufort, S. C., February 7, 1864, of the result of the agricultural operations carried on by him on behalf of the Government for the past year.

I have the honor to be, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Inclosure.]

HEADQUARTERS U. S. FORCES,
Beaufort, S. C., February 7, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: In closing up all the agricultural operations which I have carried on for the Government during the past year I deem it my duty to report as the final result 470,000 pounds of seed cotton, which will

considerably more than meet all my expenditures. In addition, the people have raised sufficient food for their own subsistence; all this on the lands which were bid in by the Government at tax sales. Of those sold to private individuals, and which have been cultivated by them, I have no accurate account, but there is no doubt that fully as much more cotton has been produced by them. I can give, then, as the result of my labors during the past year, by directing the industry of some 15,000 freedmen, that they have produced enough to supply themselves with food without cost to the Government, and cotton enough to pay all contingent expenses. This does not apply to destitute refugees who came into our lines after seedtime had passed. Such of these as were unable to work have received rations from Government unless they had relatives who could support them, which in many instances was the case. I can safely report, however, that when the final balance is struck between all the freedmen have received from the Government and all it has paid out for them in this department the balance will be against the Government and in favor of the freedmen.

As the lands here are all to be sold or pre-empted under the late order of the President, I cannot, of course, carry them on another year for the Government. As the guardian, by your orders, of the 15,000 colored people in this department, and the only one to whom they have to look to represent them, I also deem it my duty to enter in their name a solemn protest against the action of the majority of the board of U. S. tax commissioners for this district with regard to the disposal of the public lands here. On the first of the year the President issued to them the accompanying order, which I respectfully inclose and invite your attention. This order, so wise and proper, I communicated at once to the people under my charge, in order that they might avail themselves of its just and humane provisions in time to prepare their grounds and plant them in season to prevent their becoming a tax on the bounty of the Government for want of food. I regret to report that two of the commissioners have thus far refused to carry out these orders of the President, on the ground, as they assert, of their illegality, and, I understand, censure me for my action in the matter. I am pleased to report that Hon. A. D. Smith, the only lawyer on the Board, pronounces them legal and just, and has done everything in his power to have them carried out. I have so much faith in the beneficent results to the people under my charge of the faithful carrying out of these orders that I should not be true to my trust did I not in the name of the people present these facts for your consideration.

Trusting that my own action will meet with your approval,

I am, sir, very respectfully, your obedient servant,

R. SEXTON,

Brigadier-General of Volunteers.

[Sub-enclosure.]

CIRCULAR.]

HEADQUARTERS U. S. FORCES,
Beaufort, S. C., January 16, 1864.

The following instructions, which have been received by the U. S. direct tax commissioners, are announced for the information and benefit of all concerned:

TREASURY DEPARTMENT, December 30, 1863.

U. S. DIRECT TAX COMMISSIONERS:

GENTLEMEN: By direction of the President I transmit the following instructions, which you will observe in disposing of lands struck off to the United States.

You will consider them as applying to all lands in your district which are now, or may be hereafter, owned by the United States, except such as are or may be set apart for military, naval, school, or revenue purposes, and the plantations on Saint Helena Island, known as Lands End, and the Bon Chaplin Place, and the city of Beaufort, on Port Royal Island.

All previous instructions or parts thereof which conflict with those now given are hereby rescinded.

Yours, respectfully,

S. P. CHASE.

ADDITIONAL INSTRUCTIONS TO THE DIRECT TAX COMMISSIONERS FOR THE DISTRICT OF SOUTH CAROLINA IN RELATION TO THE DISPOSITION OF LANDS.

1. You will allow any loyal person of twenty-one years of age or upward, who has at any time since the occupation by the national forces resided for six months or now resides upon or is engaged in cultivating any lands in your district owned by the United States, to enter the same for pre-emption to the extent of one, or, at the option of the pre-emptor, two tracts of twenty acres each, paying therefor \$1.25 per acre. You will give preference in all cases to heads of families and to married women whose husbands are engaged in the service of the United States, or are necessarily absent.

2. You will permit each soldier, sailor, or marine actually engaged in the service of the United States, or any who may have been or hereafter shall be honorably discharged, to pre-empt and purchase in person or by authorized agent, at the rate of \$1.25 per acre, one tract of twenty acres of land if single, and if married two tracts of twenty acres each, in addition to the amount a head of family or married woman, in the absence of her husband, is allowed to pre-empt and purchase under the general privilege to loyal persons.

3. Each pre-emptor on filing his claim and receiving his certificate of pre-emption must pay in U. S. notes two-fifths of the price, and the residue on receiving a deed for the parcels of land pre-empted, and a failure to make complete payment on receipt of the deed will forfeit all rights under the pre-emption as well as all partial payments for the land.

4. When persons authorized to purchase by pre-emption desire to enter upon and cultivate lands not yet surveyed they may do so, but they will be required to conform in their selections as nearly as possible to the probable lines of the surveys, and to take and occupy them subject to correction of title and occupation by actual surveys when made.

5. In making surveys such reservation for paths and roadways will be made as will allow easy and convenient access to the several subdivisions ordered for sale and occupancy by pre-emption or otherwise.

Approved December 31, 1861.

A. LINCOLN.

These instructions, it will be seen, apply to all soldiers as well as citizens. The superintendents and teachers in this department are hereby directed to give their entire attention to the carrying out of these instructions, and to assist the people to the extent of their power in locating, staking out their claims, and securing their title deeds under this order of the President, which, in its beneficent results, is to be second only to the proclamation of emancipation. It also recommends the people to lose no time in pre-empting their claims, and in preparing their grounds for the coming harvest. The foundation of all national wealth and prosperity is in the soil. No people can be truly prosperous who neglect its cultivation.

Freedmen, you should plow deep, plant carefully and in season, cultivate diligently, and you will reap abundant harvests. First provide for an ample supply of corn and vegetables, then remember that cotton is the great staple here. I advise you to plant all you can of it. So profitable was its culture in the old days of slavery that your former masters said: "Cotton is king." It is expected that you will show in a free South that cotton is more of a king than ever.

R. SEXTON,

Brigadier-General and Military Governor.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 18, 1864.

Governor O. P. MORTON,
Indianapolis, Ind.:

It is very desirable to know exactly when your new regiments of infantry can take the field. Please inform me.

JAMES B. FRY,
Provost-Marshal-General.

AUGUSTA, ME., *February 18, 1864.*

SECRETARY OF WAR:

I do not want any more batteries or cavalry raised in this State until the infantry regiments now in process of organization are filled. They would interfere badly.

SAML. CONY,
Governor.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, February 18, 1864.

Maj. Gen. H. W. HALLECK,
General-in-Chief:

GENERAL: All our information from the South indicates that the leaders of the rebellion are making the most desperate efforts to bring into the field every man capable of bearing arms at the opening of the campaign in the spring. The rapid increase of our debt, bringing with it the dangers to which the public credit is always exposed under the pressure of heavy expenditures, the long continuance of the war, and the importance of terminating it as soon as possible render it incumbent on us to put forth all our strength as soon as military operations can be resumed. I suppose we must have a very large force in forts and intrenchments, including the city of Washington, and this force out of active employment must be considerably augmented by troops in the interior of the loyal States—like those, for instance, guarding prisoners at Johnson's Island.

It has occurred to me that all these troops might be relieved by the local militia of the loyal States, and that thus a strong addition might be made to our active force.

I have no doubt that a great number of regiments would volunteer during the spring and summer for service at Baltimore, in the intrenchments at Washington, and in all the forts in all our harbors. I think at least ten regiments could be obtained in this State for such a service; and that the other loyal States would contribute as liberally.

It is hardly to be expected that the President's order for a draft will bring out the number of men called for, and in any event the measure proposed could hardly be otherwise than salutary.

I have taken the liberty of making this suggestion, with the assurance that if the plan could be carried out an overwhelming force might be thrown upon the enemy and the war brought to a successful conclusion during the year 1864.

The great stake the country has in such a speedy issue of the conflict will, I am sure, be regarded as a sufficient apology for calling your attention to the subject.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,
Providence, February 18, 1864.

MAJ. C. W. FOSTER,

Asst. Adj. Gen., Chief of Colored Bureau, Washington, D. C.

MAJOR: I have the honor to request authority to raise a regiment of infantry, to be composed of colored men.

I would request authority be given to muster in the regiment by companies, and, if possible, by squads, as this method would add much to the convenience of both the men and the State in the payment of bounties, &c.

I most respectfully request, and will consider it a personal favor that the regiment may be designated as the Fifteenth Regiment Rhode Island Volunteers (Colored), in the same manner as our last was—the Fourteenth Rhode Island Heavy Artillery (Colored).

Yet, if you should find it impossible to grant this I would consent to raise the regiment under some other name. The former would be of some advantage in raising the regiment, and I trust it may be so called.

I have the honor to be, major, with much regard, your obedient servant,

JAMES Y. SMITH,
Governor of Rhode Island.

KNOXVILLE, TENN., *February 18, 1864.*

Hon. EDWIN M. STANTON,

Secretary of War:

No order can be found here giving authority to the department commanders to appoint officers for new regiments, and General Foster did not know of such an authority. I am glad to have it, and can use it to advantage. I can spare the Sixth New Hampshire until the 10th of March, but it may delay the furloughing of other veterans.

J. M. SCHOFIELD,
Major-General, Commanding.

INDIANAPOLIS, IND., *February 19, 1864.*

Col. J. B. FRY:

I can put the infantry in the field in ten days if necessary, but would prefer longer time if it can be granted, as the recruiting is going on well. If I put them in the field in that time I must make consolidations, but in cases where if it is delayed a little longer I can have full regiments. Answer me what I shall do, and I will do it.

O. P. MORTON,
Governor.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 19, 1864.

Governor S. MILLER,

Saint Paul, Minn.:

Your answer to my dispatch of the 9th instant, quoted by you in a letter to Senator Ramsey, has never been received. The bounties are now authorized by law, to wit, \$300 for raw recruits and \$400

for veterans, will be paid so long as the law permits, to wit, March 1. After that date but \$100 can be paid by existing laws. This has reference to the authority given you to raise ten companies of infantry.

JAMES B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 66. } Washington, February 20, 1864.

BOUNTY FOR RE-ENLISTMENT.

All soldiers enlisted or re-enlisted into the Regular Army for the period of three years, under the provisions of the joint resolution of January 13, 1864, and General Orders, No. 25, of 1864, are entitled to a bounty of \$402, to be paid as follows:^a

1. Upon enlistment they shall be paid one month's pay in advance	\$13
First installment of bounty	25
Premium	2
Total on enlistment	40
2. At the first regular pay-day after two months' service an additional installment of bounty will be paid	50
3. At the first regular pay-day after six months' service an additional installment of bounty will be paid	50
4. At the first regular pay-day after the end of the first year's service an additional installment of bounty will be paid	50
5. At the first regular pay-day after eighteen months' service an additional installment of bounty will be paid	50
6. At the first regular pay-day after two years' service an additional installment of bounty will be paid	50
7. At the first regular pay-day after two years and a half service an additional installment of bounty will be paid	50
8. At the expiration of three years' service the remainder of the bounty will be paid	75

By order of the Secretary of War:

R. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 6. } Washington, February 20, 1864.

When a drafted person pays the sum of \$300 commutation money, in order to be exempted from a draft, the receiver shall sign "triplicate" receipts for the amount. The "original" shall be retained by the receiver to be forwarded by him, with his weekly summary statement and abstract of moneys received, to the Provost-Marshal-General. The "duplicate" and "triplicate" shall be given to the drafted person for presentation to the Board of Enrollment. If the Board grant a certificate of exemption, they shall return the "triplicate" to the Provost-Marshal-General with the weekly abstract of persons exempted from military service.

Paragraph II, of Circular No. 34, June 30, and Circular No. 38, July 3, 1863, and the last clause of the circular letter of February 8, 1864,

^aSee General Orders, No. 191, of 1863.

from the Provost-Marshal-General's Office, are hereby amended accordingly.

The clause of the circular letter of the 8th of February, 1864, abovesaid, referred to, requiring the "original" of each certificate of deposit to be forwarded to the Treasurer of the United States, is also hereby amended so as to read as follows, *viz*, and the "original" of each certificate will be forwarded to the Honorable Secretary of the Treasury of the United States.

JAMES B. FRY,
Provost-Marshal-General

CHATTANOOGA, TENN., *February 20, 1864*

Hon. EDWIN M. STANTON,
Secretary of War:

Colonel Eaton, Ninth Louisiana Colored Regiment, superintendent of freedmen on the Mississippi, has deemed it expedient to join me in East Tennessee, to report the condition of affairs in that section of country. Since Mr. Mellen has taken charge of the abandoned plantations, instead of recognizing what had already been done under my instructions for the present year, he required all permits to be revoked, and introduced a system the workings of which the men on the river assert to be impracticable. The consequence is that a large number of persons who had selected plantations have become dissatisfied and are rapidly leaving the country, returning the freedmen upon our hands for support. May not too great a number of impracticable changes break the good faith of the Government and create a most injurious distrust? The system adopted by Colonel Eaton has now the result of experience, and works well. My system of taking the abandoned plantations for the purpose of giving employment to the blacks, under all the disadvantages, which have been many, has also worked well. Under these plans, with such modifications as experience has taught us, the Treasury agents and the military authorities would have worked in harmony. Then the blacks had been made self-supporting. Now, as the season is rapidly advancing and the plantations are being given up by the lessees, fear we will have many thousand blacks to feed and clothe. It is said Mr. Mellen has gone to Washington to ask for a large appropriation of money, for which I can see no necessity, as under my system many thousand dollars have been placed in the Treasury with little expense to the Government.

I shall immediately proceed down the river (Mississippi). Fortunate, my arrangements in this State are nearly completed. A telegram will reach me at Nashville. I do not wish to have anything to do with the abandoned plantations, but if the Government will send a commission, or appoint Mr. Field to take charge, I will operate with them cordially and furnish all the labor required. I consider the negroes under my control—furnishing, of course, labor under the call of the Treasury agents; but Mr. Mellen assumes that they are entirely under him, and he desires to issue orders accordingly. The military authorities must have command of the negroes or there will be an endless confusion. I will keep this control unless ordered to the contrary.

T. THOMAS,
Brigadier and Adjutant General

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 20, 1864.

Hon. RICHARD WALLACE,
Mayor of Washington, D. C.:

SIR: In reply to your letter of the 15th instant I am directed to state:

First, that the number 5,077 included all reported by the Adjutant-General to be credited up to January 5, 1864, as per accompanying statement. In reply to your second query, that the number 5,777 covers all that is required of the District of Columbia under former calls, to which is to be added the further number of 4,256—the quota assigned under the last call for 500,000 men. To your last and third query I have to reply that 1,183 men have been furnished by draft, including all who were held to service, paid commutation, or furnished substitutes.

The quota of the District under the calls is therefore 11,033; credits by voluntary enlistment and draft, 6,260; leaving a balance still due the United States of 4,773, which amount is subject to deduction for any number of men which have been furnished subsequent to the 5th of January and not yet reported by the Adjutant-General.

I have the honor to be, very respectfully, your obedient servant,
 HENRY E. MAYNADIER,
Captain, U. S. Army, in charge of Enrollment Bureau.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 20, 1864.

His Excellency Governor O. P. MORRIS,
Indianapolis, Ind.:

The general-in-chief will move your regiments of Infantry on the 1st of March. Please make your arrangements accordingly.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., February 21, 1864.

Col. S. M. BOWMAN,
*Eighty-fourth Regt. Pa. Vols., Must. and Recruit Officer
 for Colored Troops, Camp Stanton, Bryantown, Md.:*

COLONEL: Lieut. Col. W. H. Chesbrough, assistant adjutant-general of volunteers, having been authorized to raise a regiment of colored troops in the city of Baltimore, I am directed to say that after mature consideration it is not thought necessary that you should drop Baltimore from your list of recruiting stations. Lieutenant-Colonel Chesbrough will, however, recruit under the direct authority of the War Department, and will be independent of your command.

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 49. } Washington, February 22, 1864.

The following proclamation is published for the information of all concerned:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

WHEREAS, by my proclamation of the nineteenth of April, one thousand eight hundred and sixty-one, the ports of the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas were, for reasons therein set forth, placed under blockade; and whereas, the port of Brownsville, in the district of Brazos Santiago, in the State of Texas, has since been blockaded, but as the blockade of said port may now be safely relaxed with advantage to the interests of commerce;

Now, therefore, be it known that I, Abraham Lincoln, President of the United States, pursuant to the authority in me vested by the fifth section of the act of Congress approved on the thirteenth of July, one thousand eight hundred and sixty-one, entitled "An act further to provide for the collection of duties on imports, and for other purposes," do hereby declare that the blockade of the said port of Brownsville shall so far cease and determine from and after this date, that commercial intercourse with said port, except as to persons, things, and information hereinafter specified, may from this date be carried on, subject to the laws of the United States, to the regulations prescribed by the Secretary of the Treasury, and, until the rebellion shall have been suppressed, to such orders as may be promulgated by the general commanding the department, or by an officer duly authorized by him and commanding at said port. This proclamation does not authorize or allow the shipment or conveyance of persons in or intending to enter the service of the insurgents, or of things or information intended for their use or for their aid or comfort, nor, except upon the permission of the Secretary of War, or of some officer duly authorized by him, of the following prohibited articles, namely: Cannon, mortars, firearms, pistols, bombs, grenades, powder, sulphur, sulphur balls, bullets, pikes, swords, boarding caps (always excepting the quantity of the said articles which may be necessary for the defense of the ship and those who compose the crew), saddles, lodges, cartridge-bag material, percussion and other caps, clothing adapted for uniforms, sail cloth of all kinds, hemp and cordage, intoxicating drinks, other than beer and light native wines.

To vessels clearing from foreign ports and destined to the port of Brownsville, opened by this proclamation, licenses will be granted by consuls of the United States upon satisfactory evidence that the vessel so licensed will convey no persons, property, or information excepted or prohibited above, either to or from the said port; which licenses shall be exhibited to the collector of said port immediately on arrival, and, if required, to any officer in charge of the blockade; and on leaving said port every vessel will be required to have a clearance from the collector of the customs, according to law, showing no violation of the conditions of the license. Any violations of said conditions will involve the forfeiture and condemnation of the vessel and cargo, and the exclusion of all parties concerned from any further privilege of entering the United States during the war for any purpose whatever.

In all respects, except as herein specified, the existing blockade remains in full force and effect as hitherto established and maintained, nor is it relaxed by this proclamation except in regard to the port to which relaxation is or has been expressly applied.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

[L. S.]

By the President:

ABRAHAM LINCOLN.

WILLIAM H. SEWARD,
Secretary of State.

By order of the Secretary of War:

R. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 23, 1864.

His Excellency A. G. SMITH,
Governor of Vermont, Washington, D. C.:

SIR: In reply to your inquiries I have the honor to inform you that the enrollment act, as lately amended by Congress, requires that towns which have failed to furnish the quotas assigned them shall be drafted for the deficiencies, and the draft continued in said towns until the required number shall be obtained. The fact that a State may have furnished a number of men equal to the number of men assigned to all its towns, will not, under the present law, exempt the delinquent towns from draft.

I am, sir, very respectfully, your obedient servant,
JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS OF THE ARMY,
Washington, D. C., February 23, 1864.

Maj. Gen. JOHN A. DIX,
New York City:

GENERAL: I have to acknowledge the receipt of your letter of the 18th instant.

I believe the authorities here are fully aware of the desperate efforts making by the rebels for a campaign the coming spring, and I know of no effort omitted by the Executive Department of the Government to increase our own forces in the field; but, of course, nothing could be done in regard to a draft till the bill passed Congress, which has been debating it for nearly three months.

I presume that now that the law has passed very active measures will be taken to carry it into execution. But this will take time, and the forces so raised will not be available till the first shock of the campaign is over.

It certainly is to be regretted that there has been so much delay in Congress.

I can not agree with you in regard to the use of local militia and temporary enlistments of volunteers to occupy our forts, harbors, and intrenchments. Such troops are exceedingly expensive and of very little use in actual service. They have already cost us hundreds of millions with very little advantage.

Moreover, the raising of such troops in any State diminishes the volunteering for old and new regiments nearly equal to the same amount of force.

After the experience of the past three years I think it would not be well to resort to local militia and short enlistments, except in cases of absolute necessity.

Very respectfully, your obedient servant,
H. W. HALLECK,
General-in-Chief.

LITTLE ROCK, February 24, 1864.

His Excellency A. LINCOLN,
President of the United States:

I hope you will not send General Sickles here, and if an order has been made to that effect that it may be revoked. His coming here

would only be an annoyance and will do no good. Everything working well. General Steele is doing everything that can be done.

ISAAC MURPHY,
Provisional Governor of Arkansas.

LITTLE ROCK, ARK., *February 24, 1864.*

His Excellency A. LINCOLN,
President of the United States:

It is of the greatest importance to the true Union men of Arkansas that the Administration give its hearty support to Major-General Steele in his efforts to aid the loyal people in organizing the free State of Arkansas. The general commanding here is acting in perfect harmony with the unconditional Union men of Arkansas, and is doing all in his power to aid them in bringing out large vote on the 14th of March, and no private grievances of any officers of the U. S. Army or other persons should be allowed to disturb in this critical moment.

We freely and fully advise Major-General Steele. Let no private difficulties interfere with our movements here.

ISAAC MURPHY,
Provisional Governor of Arkansas.
FREEMAN WARNER,
Chairman Executive Committee of Arkansas.

GENERAL ORDERS, } WAR DEPT., ADJUT. GENERAL'S OFFICE,
No. 75. } *Washington, February 25, 1864.*

The following act of Congress is published for the information of all concerned:

PUBLIC—No. 14.

1. AN ACT to amend an act entitled "An act for enrolling and calling out the national force and for other purposes," approved March third, eighteen hundred and sixty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be authorized, whenever he shall deem it necessary, during the present war, to call for such number of men for the military service of the United States as the public exigencies may require.

SEC. 2. *And be it further enacted,* That the quota of each ward of a city, town, township, precinct, or election district, or of a county, where the county is not divided into wards, towns, townships, precincts, or election districts, shall be as nearly as possible in proportion to the number of men resident therein liable to render military service, taking into account, as far as practicable, the number which has been previously furnished therefrom; and in ascertaining and filling said quota there shall be taken into account the number of men who have heretofore entered the naval service of the United States, and whose names are borne upon the enrollment lists as already returned to the office of the Provost-Marshal-General of the United States.

SEC. 3. *And be it further enacted,* That if the quotas shall not be filled within the time designated by the President, the provost-marshal of the district within which any ward of a city, town, township, precinct, or election district, or county where the same is not divided into wards, towns, townships, precincts, or election districts, which is deficient in its quota, is situated, shall, under the direction of the Provost-Marshal-General, make a draft for the number deficient therefrom but all volunteers who may enlist after the draft shall have been ordered, and before it shall be actually made, shall be deducted from the number ordered to be drafted in such ward, town, township, precinct, or election district, or county

And if the quota of any district shall not be filled by the draft made in accordance with the provisions of this act, and the act to which it is an amendment, further drafts shall be made, and like proceedings had, until the quota of such district shall be filled.

SEC. 4. *And be it further enacted*, That any person enrolled under the provisions of the act for enrolling and calling out the national forces, and for other purposes, approved March third, eighteen hundred and sixty-three, or who may be hereafter so enrolled, may furnish, at any time previous to the draft, an acceptable substitute, who is not liable to draft, nor, at the time, in the military or naval service of the United States; and such person so furnishing a substitute shall be exempt from draft during the time for which such substitute shall not be liable to draft, not exceeding the time for which such substitute shall have been accepted.

SEC. 5. *And be it further enacted*, That any person drafted into the military service of the United States may, before the time fixed for his appearance for duty at the draft rendezvous, furnish an acceptable substitute, subject to such rules and regulations as may be prescribed by the Secretary of War; that if such substitute is not liable to draft, the person furnishing him shall be exempt from draft during the time for which such substitute is not liable to draft, not exceeding the term for which he was drafted; and if such substitute is liable to draft, the name of the person furnishing him shall again be placed on the roll, and shall be liable to draft on future calls, but not until the present enrollment shall be exhausted; and this exception shall not exceed the term for which such person shall have been drafted. And any person now in the military or naval service of the United States, not physically disqualified, who has so served more than one year, and whose term of unexpired service shall not at the time of substitution exceed six months, may be employed as a substitute to serve in the troops of the State in which he enlisted; and if any drafted person shall hereafter pay money for the procuration of a substitute, under the provisions of the act to which this is an amendment, such payment of money shall operate only to relieve such person from draft in filling that quota; and his name shall be retained on the roll in filling future quotas; but in no instance shall the exemption of any person, on account of his payment of commutation money for the procuration of a substitute, extend beyond one year; but at the end of one year, in every such case, the name of any person so exempted shall be enrolled again, if not before returned to the enrollment list under the provisions of this section.

SEC. 6. *And be it further enacted*, That boards of enrollment shall enroll all persons liable to draft under the provisions of this act, and the act to which this is an amendment, whose names may have been omitted by the proper enrolling officers; all persons who shall arrive at the age of twenty years before the draft; all aliens who shall declare their intention to become citizens; all persons discharged from the military or naval service of the United States who have not been in such service two years during the present war; and all persons who have been exempted under the provisions of the second section of the act to which this is an amendment, but who are not exempted by the provisions of this act; and said boards of enrollment shall release and discharge from draft all persons who, between the time of the enrollment and the draft, shall have arrived at the age of forty-five years, and shall strike the names of such persons from the enrollment.

SEC. 7. *And be it further enacted*, That any mariner, or able or ordinary seaman, who shall be drafted under this act, or the act to which this is an amendment, shall have the right, within eight days after the notification of such draft, to enlist in the naval service as a seaman; and a certificate that he has so enlisted being made out, in conformity with regulations which may be prescribed by the Secretary of the Navy, and duly presented to the provost-marshal of the district in which such mariner, or able or ordinary seaman, shall have been drafted, shall exempt him from such draft: *Provided*, That the period for which he shall have enlisted into the naval service shall not be less than the period for which he shall have been drafted into the military service: *And provided further*, That the said certificate shall declare that satisfactory proof has been made before the naval officer issuing the same, that the said person so enlisting in the Navy is a mariner by vocation, or an able or ordinary seaman. And any person now in the military service of the United States who shall furnish satisfactory proof that he is a mariner by vocation, or an able or ordinary seaman, may enlist into the Navy under such rules and regulations as may be prescribed by the President of the United States: *Provided*, That such enlistment shall not be for less than the unexpired term of his military service, nor for less than one year. And the bounty money which any mariner or seaman, enlisting from the Army into the Navy, may have received from the United States, or from the State in which he enlisted

in the Army, shall be deducted from the prize money to which he may become entitled during the time required to complete his military service: *And provide further*, That the whole number of such transfer enlistments shall not exceed ten thousand.

SEC. 8. *And be it further enacted*, That whenever any such mariner, or able or ordinary seaman, shall have been exempted from such draft in the military service by such enlistment into the naval service, under such due certificate thereof, then the ward, town, township, precinct, or election district, or county, when the same is not divided into wards, towns, townships, precincts, or election districts from which such person has been drafted, shall be credited with his services to all intents and purposes as if he had been duly mustered in the military service under such draft.

SEC. 9. *And be it further enacted*, That all enlistments into the naval service of the United States, or into the Marine Corps of the United States, that may hereafter be made of persons liable to service under the act of Congress entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, shall be credited to the ward, town, township, precinct, or election district, or county, when the same is not divided into wards, towns, townships, precincts, or election districts, in which such enlisted men were or may be enrolled and liable to duty under the act before said, under such regulations as the Provost-Marshal-General of the United States may prescribe.

SEC. 10. *And be it further enacted*, That the following persons be, and they are hereby, exempted from enrollment and draft under the provisions of this act, and of the act to which this is an amendment, to wit, such as are rejected as physically or mentally unfit for the service, all persons actually in the military or naval service of the United States at the time of the draft, and all persons who have served in the military or naval service two years during the present war and been honorably discharged therefrom; and no persons but such as are hereby exempted shall be exempt.

SEC. 11. *And be it further enacted*, That section third of the "Act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three, and so much of section ten of said act as provides for the separate enrollment of each class, be, and the same are hereby, repealed; and it shall be the duty of the Board of Enrollment of each district to consolidate the two classes mentioned in the third section of said act.

SEC. 12. *And be it further enacted*, That any person who shall forcibly resist or oppose any enrollment, or who shall incite, counsel, encourage, or who shall conspire or confederate with any other person or persons forcibly to resist or oppose any such enrollment, or who shall aid or assist, or take any part in any forcible resistance or opposition thereto, or who shall assault, obstruct, hinder, impede, or threaten any officer or other person employed in making, or in aiding to make, such enrollment, or employed in the performance, or in aiding in the performance, of any service in any way relating thereto, or in arresting, or aiding to arrest, any spy or deserter from the military service of the United States, shall, upon conviction thereof in any court competent to try the offense, be punished by a fine of not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both of said punishments, in the discretion of the court. And in cases where such assaulting, obstructing, hindering, or impeding, shall produce the death of such officer or other person, the offender shall be deemed guilty of murder, and, upon conviction thereof upon indictment in the circuit court of the United States for the district within which the offense was committed, shall be punished with death. And nothing in this section contained shall be construed to relieve the party offending from liability, under proper indictment or process, for any crime against the laws of a State committed by him while violating the provisions of this section.

SEC. 13. *And be it further enacted*, That the Secretary of War shall be authorized to detail or appoint such number of additional surgeons for temporary duty in the examination of persons drafted into the military service, in any district, as may be necessary to secure the prompt examination of all such persons, and to fix the compensation to be paid surgeons so appointed while actually employed. And such surgeons so detailed or appointed shall perform the same duties as the surgeon of the Board of Enrollment, except that they shall not be permitted to vote or sit with the Board of Enrollment.

SEC. 14. *And be it further enacted*, That the Secretary of War is authorized, whenever in his judgment the public interest will be subserved thereby, to permit or require boards of examination of enrolled or drafted men to hold their examinations at different points within their respective enrollment districts, to be

determined by him: *Provided*, That in all districts over one hundred miles in extent, and in such as are composed of over ten counties, the Board shall hold their sessions in at least two places in such district, and at such points as are best calculated to accommodate the people thereof.

SEC. 15. *And be it further enacted*, That provost-marshals, boards of enrollment, or any member thereof acting by authority of the Board, shall have power to summon witnesses in behalf of the Government, and enforce their attendance by attachment, without previous payment of fees, in any case pending before them, or either of them; and the fees allowed for witnesses attending under summons shall be six cents per mile for mileage, counting one way; and no other fees or costs shall be allowed under the provisions of this section; and they shall have power to administer oaths and affirmations. And any person who shall willfully and corruptly swear or affirm falsely before any provost-marshal, or Board of Enrollment, or member thereof acting by authority of the Board, or who shall, before any civil magistrate, willfully and corruptly swear or affirm falsely to any affidavit to be used in any case pending before any provost-marshal or Board of Enrollment, shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not less than six months nor more than twelve months. The drafted men shall have process to bring in witnesses, but without mileage.

SEC. 16. *And be it further enacted*, That copies of any record of a provost-marshal or Board of Enrollment, or of any part thereof, certified by the provost-marshal, or a majority of said Board of Enrollment, shall be deemed and taken as evidence in any civil or military court in like manner as the original record: *Provided*, That if any person shall knowingly certify any false copy or copies of such record, to be used in any civil or military court, he shall be subject to the pains and penalties of perjury.

SEC. 17. *And be it further enacted*, That members of religious denominations, who shall by oath or affirmation declare that they are conscientiously opposed to the bearing of arms, and who are prohibited from doing so by the rules and articles of faith and practice of said religious denomination, shall, when drafted into the military service, be considered non-combatants, and shall be assigned by the Secretary of War to duty in the hospitals, or to the care of freedmen, or shall pay the sum of three hundred dollars to such person as the Secretary of War shall designate to receive it, to be applied to the benefit of the sick and wounded soldiers: *Provided*, That no person shall be entitled to the benefit of the provisions of this section unless his declaration of conscientious scruples against bearing arms shall be supported by satisfactory evidence that his deportment has been uniformly consistent with such declaration.

SEC. 18. *And be it further enacted*, That no person of foreign birth shall, on account of alienage, be exempted from enrollment or draft under the provisions of this act, or the act by which it is an amendment, who has at any time assumed the rights of a citizen by voting at any election held under authority of the laws of any State or Territory, or of the United States, or who has held any office under such laws or any of them; but the fact that any such person of foreign birth has voted or held, or shall vote or hold, office as aforesaid, shall be taken as conclusive evidence that he is not entitled to exemption from military service on account of alienage.

SEC. 19. *And be it further enacted*, That all claims to exemption shall be verified by the oath or affirmation of the party claiming exemption to the truth of the facts stated, unless it shall satisfactorily appear to the Board of Enrollment that such party is, for some good and sufficient reason, unable to make such oath or affirmation; and the testimony of any other party filed in support of a claim to exemption shall also be made upon oath or affirmation.

SEC. 20. *And be it further enacted*, That if any person drafted and liable to render military service shall procure a decision of the Board of Enrollment in his favor upon a claim to exemption by any fraud or false representation practiced by himself or by his procurement, such decision or exemption shall be of no effect, and the person exempted, or in whose favor the decision may be made, shall be deemed a deserter, and may be arrested, tried by court-martial, and punished as such, and shall be held to service for the full term for which he was drafted, reckoning from the time of his arrest: *Provided*, That the Secretary of War may order the discharge of all persons in the military service who are under the age of eighteen years at the time of the application for their discharge, when it shall appear upon due proof that such persons are in the service without the consent, either express or implied, of their parents or guardians: *And provided further*, That such persons, their parents or guardians, shall first repay to the Government and to the State and local authorities all bounties and advance pay which may have been paid to them, anything in the act to which this is an amendment to the contrary notwithstanding.

SEC. 21. *And be it further enacted*, That any person who shall procure, or attempt to procure, a false report from the surgeon of the Board of Enrollment concerning the physical condition of any drafted person, or a decision in favor of such person by the Board of Enrollment upon a claim to exemption, knowing the same to be false, shall, upon conviction in any district or circuit court of the United States, be punished by imprisonment for the period for which the party was drafted.

SEC. 22. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed any papers in support of a claim for exemption from draft, or for any services that may be rendered to the claimant, shall not, in any case, exceed five dollars; and physicians or surgeons furnishing certificates of disability to any claimant for exemption from draft shall not be entitled to any fees or compensation therefor. And any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act, and any physician or surgeon who shall, directly or indirectly, demand or receive any compensation for furnishing said certificates of disability, and any officer, clerk, or deputy connected with the Board of Enrollment, who shall receive compensation from any drafted man for any services, or obtaining the performance of such service required from any member of said Board by the provisions of this act, shall be deemed guilty of a high misdemeanor, and upon conviction shall, for every such offense, be fined not exceeding five hundred dollars, to be recovered upon information or indictment before any court of competent jurisdiction, one-half for the use of any informer, who may prosecute for the same in the name of the United States, and the other half for the use of the United States; and shall also be subject to imprisonment for a term not exceeding one year, at the discretion of the court.

SEC. 23. *And be it further enacted*, That no member of the Board of Enrollment, and no surgeon detailed or employed to assist the Board of Enrollment, and no clerk, assistant, or employé of any provost-marshal or Board of Enrollment, shall, directly or indirectly, be engaged in procuring, or attempting to procure, substitutes for persons drafted, or liable to be drafted, into the military service of the United States. And if any member of a Board of Enrollment, or any such surgeon, clerk, assistant, or employé, shall procure, or attempt to procure, a substitute for any person drafted, or liable to be drafted as aforesaid, he shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment not less than thirty days nor more than six months, and pay a fine not less than one hundred nor more than one thousand dollars, by any court competent to try the offense.

SEC. 24. *And be it further enacted*, That all able-bodied male colored persons between the ages of twenty and thirty-five years, resident in the United States, shall be enrolled according to the provisions of this act, and of the act to which this is an amendment, and form part of the national force; and when a slave of a loyal master shall be drafted and mustered into the service of the United States, his master shall have a certificate thereof; and thereupon such slave shall be free, and the bounty of one hundred dollars, now payable by law for each drafted man, shall be paid to the person to whom such drafted person was owing service or labor at the time of his muster into the service of the United States. The Secretary of War shall appoint a commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation, not exceeding three hundred dollars, for each such colored volunteer, payable out of the fund derived from commutations; and every such colored volunteer, on being mustered into the service, shall be free. And in all cases where men of color have been heretofore enlisted, or have volunteered in the military service of the United States, all the provisions of this act, so far as the payment of bounty and compensation are provided, shall be equally applicable as to those who may be hereafter recruited. But men of color, drafted or enlisted, or who may volunteer into the military service, while they shall be credited on the quotas of the several States or subdivisions of States wherein they are respectively drafted, enlisted, or shall volunteer, shall not be assigned as State troops, but shall be mustered into regiments or companies as United States colored troops.

SEC. 25. *And be it further enacted*, That the fifteenth section of the act to which this is amendatory be so amended that it will read as follows: That any surgeon charged with the duty of such inspection, who shall receive from any person whomsoever any money or other valuable thing, or agree, directly or indirectly, to receive the same to his own or another's use, for making an imperfect inspection or a false or incorrect report, or who shall willfully neglect to make a faithful inspection and true report, and each member of the Board of Enrollment who shall willfully agree to the discharge from service of any drafted

person who is not legally and properly entitled to such discharge, shall be tried by a court-martial, and, on conviction thereof, be punished by a fine not less than three hundred dollars and not more than ten thousand dollars, shall be imprisoned at the discretion of the court, and be cashiered and dismissed the service.

Sec. 26. *And be it further enacted*, That the words "precinct" and "election district," as used in this act, shall not be construed to require any subdivision for purposes of enrollment and draft less than the wards into which any city or village may be divided, or than the towns or townships into which any county may be divided.

Sec. 27. *And be it further enacted*, That so much of the act entitled "An act for enrolling and calling out the national force, and for other purposes," approved March third, eighteen hundred and sixty-three, as may be inconsistent with the provisions of this act, is hereby repealed.

Approved February 24, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, D. C., February 25, 1864.

Major-General STEELE,
Little Rock, Ark.:

General Sickles is not going to Arkansas. He probably will make a tour down the Mississippi and home by the Gulf and ocean, but he will not meddle in your affairs. At one time I did intend to have him call on you and explain more fully than I could do by letter or telegraph, so as to avoid a difficulty coming of my having made a plan here while the convention made one there for reorganizing Arkansas, but even his doing that has been given up for more than two weeks. Please show this to Governor Murphy to save me telegraphing him.

A. LINCOLN.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, February 25, 1864.

THE PRESIDENT OF THE UNITED STATES:

SIR: The election of the 22d of February was conducted with great spirit and propriety. No complaint is heard from any quarter, so far as I know, of unfairness or undue influence on the part of the officers of the Government. At some of the strictly military posts the entire vote of the Louisiana men was for Mr. Flanders; at others for Mr. Fahn, according to the inclination of the voters. Every voter accepted the oath prescribed by your proclamation of the 8th of December. The aggregate number of voters is about 11,000. There is no sounder basis for a State government in this country than is presented by this population, nor any where the proportion of men hostile to the chief measures of the Government for the suppression of the rebellion will be equal or greater. The ordinary vote of the State has been less than 40,000. The proportion given on the 22d of February is nearly equal to the territory covered by our arms. The convention for revision of the constitution will confirm the absolute extinction of every, upon which the election has proceeded, and to which every voter has assented, and provide for such extension of suffrage as will meet the demands of the age. I have been and still am unable to write as fully as I could wish, but I desire to say in a word that the

whole people of this country will be satisfied with the results of the effort for reorganization of the State government when it is completed, and that it cannot be rejected without throwing the power into the hands of the enemy North, if not South. The change that has occurred in this State since January, 1863, is without parallel in history. It has been far greater than could have been anticipated with reason, and it will become in two years, under a wise and strong government, one of the most loyal and prosperous States that the world has ever seen. I need not say, what you know so well, that Mr. Hahn and the gentlemen elected with him are earnest, faithful, and efficient friends of your Administration, who wait opportunity to serve your interests and that of the whole country.

On the 5th of March I expect to move in co-operation with Generals Steele and Sherman, or as soon as they may be ready, one or both. My own force is not sufficient to execute the orders of the War Department without the assistance of one or both. We are ready and impatient, expecting daily the word of command from either General Steele or General Sherman. A considerable number of troops have arrived here, fully enough to compensate for the loss we sustain by furloughs for veteran regiments. Our campaign will be decisive and successful.

I have the honor to be, with high respect, your obedient servant,
N. P. BANKS,
Major-General.

Inclosed you will please find an official copy of the vote as far as received. The aggregate will exceed 11,000 votes.

Your letter relating to the oath to be prescribed as a basis of the election did not reach me until a few days before the election. That adopted which was embodied in your proclamation of the 8th of December was the best that could have been offered, and was cheerfully, promptly, and generally accepted. On the constitution the vote will exceed 20,000.

N. P. B.

[Inclosure.]

STATE OF LOUISIANA, MAYORALTY OF NEW ORLEANS,
City Hall, February 25, 1864.

ADDITIONAL ELECTION RETURNS.

La Fourche Parish.—Complete returns from this parish give the total vote as 790, divided as follows: Hahn and the Free State ticket, 222; Fellows and the Conservative ticket, 392; Flanders and the Radical ticket, 176.

RECAPITULATION.

	Hahn.	Fellows.	Flanders.
New Orleans	8,548	1,139	1,000
Baton Rouge	398	10	4
Carrollton	245	41	17
Port Hudson	18	.....	107
Donaldsonville	313	65	80
Aiglers	79	69	108
Franklin	808	1	21
Fort Muecomb	0	.....	.....
Fort Jackson	41	.....	.....
Burns Settlement	100	.....	10
Madisonville	103	.....	8

RECAPITULATION—Continued.

	Hahn.	Fellows.	Flanders.
Braintree.....	50		21
Dorchester Parish.....	31	26	5
Napoleonville.....	15		
Groton.....	70	50	10
Boston Station.....	12	37	7
Went's Cotton Press.....	197		24
Concordia Parish.....	97		
Saint Bernard Parish.....	5	100	64
Jefferson City.....	178	100	23
Centerville.....	7		
Pensacola.....	107		1
Orleans Railroad.....	50		21
La Fourche Parish.....	233	302	176
Total.....	6, 153	3, 144	1, 021

Total vote of the State.....	10, 218
Hahn's majority over Fellows.....	4, 009
Hahn's majority over Flanders.....	4, 232
Hahn's majority over both.....	2, 083

AUGUSTA, ME., February 25, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

The Fourteenth Maine Regiment is here, having about one hundred men enlisted at New Orleans who have not served quite two years. These men are chiefly foreigners, and re-enlisted by direct orders of General Franklin, approved by General Banks. They are furloughed with the others—one of the privileges of re-enlistment. They re-enlisted under the inducement of \$300 offered by Maine. This bounty they expect, and if not paid this State is disgraced, for it was promised them by our officers, and a mutinous spirit will be engendered which will virtually destroy the regiment. With their furloughs in their pockets escape to Canada is easy, and the Government will lose the service of those men for the rest of their term. I shall order the bounty paid, and shall expect that this State will have credit for the men. We cannot afford to be disgraced at home.

SAMUEL CONY,
Governor of Maine.

STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,
Providence, February 25, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General, Washington, D. C.:

COLONEL: Much to my surprise a communication reached me yesterday through the acting assistant provost-marshal-general for this State, informing us that though the State of Rhode Island has furnished largely more than her quota, the men so furnished had been so assigned to districts and sub-districts that a draft might be made in some towns.

I am more surprised at this, as I received a letter from you on the 21st of October, 1863, leaving the assignment entirely to me, and I then positively stated that I desired no subdivisions in this State, but stated distinctly that Rhode Island would furnish her quota, and she has done so and has some thousands in excess.

I would therefore respectfully request that you make exception in our case, inasmuch as we are so far ahead on all calls, and no other system be adopted until due notice of the intended change be given to this department.

I have the honor to be, with much respect,

JAMES Y. SMITH,
Governor of Rhode Island.

DEPARTMENT OF STATE,
Washington, February 25, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I have the honor to inclose a copy of a note of yesterday's date from Baron von Gerolt, together with its printed accompaniment, and will thank you to enable me to comply with his request for information concerning the true meaning of the general order (No. 2) of the military authority at Memphis to which he refers.

I am, sir, your obedient servant,

WM. H. SEWARD.

[Indorsement.]

WAR DEPARTMENT,
February 29, 1864.

Respectfully referred to the General-in-Chief for report.
By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Inclosure.]

PRUSSIAN LEGATION,
Washington, February 24, 1864.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States, Washington:

SIR: His Majesty's consul at Saint Louis, on the application of several Prussian subjects residing at Memphis, Tenn., has sent to me the inclosed general order (No. 2) of the military authority at Memphis of January 30 last, by which, according to article 2, it seems the subjects of foreign governments have to be enrolled in the militia service of the militia, or will be required to leave the District of Memphis, &c.

As I have reason to doubt whether it was intended to apply the article to aliens residing in the District of Memphis, I would be obliged to you by being informed of the true interpretation of the aforementioned order on this subject.

I have the honor to be, with the highest consideration, your obedient servant,

FR. GEROLT.

[Slip (printed) inclosed was cut from a newspaper. It is a publication of General Orders, No. 2, headquarters First Brigade Enrolled Militia, District of Memphis, dated Memphis, January 30, 1864, file with S. 531, Headquarters of the Army, 1864.]

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 76. } Washington, February 26, 1864.

SENTENCE OF DESERTERS.

The President directs that the sentences of all deserters who have been condemned by court-martial to death, and that have not been otherwise acted upon by him, be mitigated to imprisonment during the war at the Dry Tortugas, Fla., where they will be sent under suitable guards by orders from army commanders.

The commanding generals, who have power to act on proceedings of courts-martial in such cases, are authorized in special cases to restore to duty deserters under sentence when in their judgment the service will be thereby benefited.

Copies of all orders issued under the foregoing instructions will be immediately forwarded to the Adjutant-General and to the Judge-Advocate-General.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

MADISON, WIS., February 26, 1864.
Hon. EDWIN M. STANTON,
Secretary of War:

The Legislature has just passed unanimously a joint resolution requesting postponement of draft and continuance of large bounties until April 1. I cordially approve of the resolution, and hope the request will be granted.

J. T. LEWIS,
Governor of Wisconsin.

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,
Madison, February 26, 1864.
Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I have the honor to transmit the inclosed memorial* of the Hon. Ed. O'Neill, mayor of the city of Milwaukee, in this State, for the postponement of the draft one month and the continuance of the large bounty for the same period.

I would respectfully call your attention to this memorial, and also state that our Legislature has passed an act authorizing towns and cities to pay bounties to volunteers, which was only perfected on the 23d instant.

The time is very short in which to hold public meetings, vote tax, and realize the money necessary for this purpose.

I feel quite certain, from present appearances, that Wisconsin can and will fill its quota if opportunity be given to avail ourselves of the large Government bounty and also of the local bounties just being offered. I have nearly raised one regiment (the Thirty-sixth Volunteer Infantry) since the 12th instant, and believe I can raise the

*Omitted.

Thirty-seventh, which has just been authorized, if I can have thirty days longer time, or even an extension up to the 10th of March.

I would therefore very earnestly request that, if possible, the draft be postponed and the large bounty be continued for the time specified in the memorial, or at least that you use your influence to have bounty continued until the time of draft.

Respectfully,

JAMES T. LEWIS

CIRCULAR }
No. 7. }

WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
Washington, February 27, 1863.

I. Boards of enrollment will at once commence to prepare cards of draft of men enrolled, including the second class. The cards will be uniform in shape, size, and color with those of the first class, and will contain the name and residence of the person enrolled, with number which is opposite his name on the enrollment lists.

II. The names of persons stricken from the lists, either of class 1 or 2, under the provisions of Circular 101, dated November 17, 1862, will not be placed in the box or wheel; nor the names of those who were drafted and held to service, or paid commutation, or furnished a substitute under the preliminary part of the draft in 1863.

The names of those known to be actually in service at the date of receipt of the order for the draft will also be left out of the box or wheel. The names of all other persons enrolled will be put in the draft box.

JAMES B. FRY,
Provost-Marshal-General

NOTE—*Amended circular*—The one of the same number previously issued to be destroyed.

LOUISVILLE, KY., February 27, 1863

Hon. EDWIN M. STANTON,
Secretary of War:

I arrived here this morning. In my letter of the 1st inst. I requested instructions respecting the First Artillery Regiment of Colored Troops, to be raised at Paducah, Ky. Shall I proceed with the organization? I will await your instructions here. It is very important that I should proceed down the Mississippi as soon as possible. I hope still to be able to provide for the vast amount of work to be returned on our hands. If the Treasury agent should insist on carrying out his regulations for leasing abandoned plantations, furnishing hands, none of the blacks can be provided for. If, however, the scale of wages and the regulations adopted by Superintendent Eaton, approved by Major-General Grant and myself, be adopted and the control be continued by the military authorities, there will be time to lease plantations by the Treasury agent and provide a vast amount of labor. May I request an early reply?

Very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General U. S. Army

LOUISVILLE, KY., *February 27, 1864.*

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.:

I have seen Mr. Mellon this evening and promised to meet him at Vicksburg in a few days to consult with him on the subject of the hire of the freedmen.

L. THOMAS,
Adjutant-General.

EXECUTIVE MANSION,
Washington, February 27, 1864.

Honorable SECRETARY OF WAR:

SIR: You ask some instruction from me in relation to the report of special Commission constituted by an order of the War Department, dated December 5, 1863, "To revise the enrollment and quotas of the city and State of New York, and report whether there be any, and what, errors or irregularities therein, and what corrections, if any, should be made."

In the correspondence between the Governor of New York and myself last summer I understood him to complain that the enrollments in several of the districts of that State had been neither accurately nor honestly made; and in view of this I, for the draft then immediately ensuing, ordered an arbitrary reduction of the quotas in several of the districts wherein they seemed too large, and said:

After this drawing these four districts, and also the seventeenth and twenty-ninth, shall be carefully re-enrolled, and, if you please, agents of yours may witness every step of the process.

In a subsequent letter I believe some additional districts were put into the list of those to be re-enrolled. My idea was to do the work over, according to the law, in presence of the complaining party, and thereby to correct anything which might be found amiss. The Commission, whose work I am considering, seem to have proceeded upon a totally different idea. Not going forth to find men at all, they have proceeded altogether upon paper examinations and mental processes. One of their conclusions, as I understand, is that as the law stands, and attempting to follow it, the enrolling officers could not have made the enrollments much more accurately than they did. The report on this point might be useful to Congress. The Commission conclude that the quotas for the draft should be based upon entire population, and they proceed upon this basis to give a table for the State of New York, in which some districts are reduced and some increased. For the now ensuing draft, let the quotas stand as made by the enrolling officers in the districts wherein the table requires them to be increased, and let them be reduced accordingly to the table in the others; this to be no precedent for subsequent action. But as I think this report may, on full consideration, be shown to have much that is valuable in it, I suggest that such consideration be given it, and that it be especially considered whether its suggestions can be conformed to without an alteration of the law.

Yours, truly,

A. LINCOLN.

[Indorsement.]

FEBRUARY 27, 1864

Referred to Colonel Fry, Provost-Marshal-General, with direct to make the ensuing draft in New York in conformity with instructions of the President, herein contained.

EDWIN M. STANTON,
Secretary of War

EXECUTIVE CHAMBER,
Harrisburg, Pa., February 27, 1864.

His Excellency A. LINCOLN,
President:

SIR: I have to assure you that if the draft be postponed and hostilities continued till the 1st of April, Pennsylvania will be filled her quota of volunteers.

I am informed by U. S. officials having charge of enlistments this State that we had supplied up to the 1st of February about 17,000 men. Since that date enlistments in the Western Division closing with this day, will be 10,000, and, although I have not altogether reliable, I do not think those in the Eastern Division the same period will be much less. This does not include soldiers enlisted in the field during the month of February, which, as ascertained, will no doubt largely increase the number to be credited to the State.

I have before me letters received from Major-General Hancock, Colonel Bonford, and Major Gilbert, provost-marshal, in reply to inquiries which I addressed to them, which appear to sustain the statements beyond a doubt.

Meanwhile I will observe that the system which has been adopted of crediting enlisted men not to the localities from which they came but to such as they may select, has rendered a draft impossible without great injustice.

The military population of some townships in this State has been so reduced by volunteering that unless they be allowed credit for their quota for all their resident citizens who have enlisted, the whole remaining population of able-bodied men will be swept away by a draft. The same remark applies measurably to the State at large, it being understood that her citizens are allowed to be credited to other States if they so elect.

The sole reason for allowing credit for volunteers in making a draft is to prevent the undue exhaustion of the military population of the States and localities whose citizens have gone freely into military service. By the system to which I have referred this reason is entirely lost sight of. Matters are even worse than if no allowance on the quotas were made at all, inasmuch as in that case towns which had sent no men, or very few, as volunteers, would at least be obliged to furnish their quota of the draft, whereas at present they may escape entirely, while the whole burden is thrown upon localities from which men have gone freely.

If I am correct in the views which I have expressed, you will find the quota of the State filled by the 10th of April, whereas if a draft is to be made it will probably be several months later before you get the men, even if you should get them at all.

I beg to solicit your attention to the subject-matter of this letter.
Very respectfully, your obedient servant,

A. G. CURTIS

[Indorsement.]

FEBRUARY 20, 1864.

The President respectfully refers the within letter from the Governor of Pennsylvania to the Honorable Secretary of War.

JNO. G. NICOLAY,
Private Secretary.

WASHINGTON, February 27, 1864.

Hon. E. H. EAST,

Secretary of State, Nashville, Tenn.:

Your telegram of the 26th instant asking for a copy of my dispatch to Warren Jordan, esq., at Nashville Press office, has just been referred to me by Governor Johnson. In my reply to Mr. Jordan, which was brief and hurried, I intended to say that in the county and State elections of Tennessee the oath prescribed in the proclamation of Governor Johnson on the 26th of January, 1864, ordering an election in Tennessee on the first Saturday in March next, is entirely satisfactory to me as a test of loyalty of all persons proposing or offering to veto in said elections, and coming from him would better be observed and followed. There is no conflict between the oath of amnesty in my proclamation of 8th December, 1863, and that prescribed by Governor Johnson in his proclamation of the 26th ultimo. No person who has taken the oath of amnesty of 8th December, 1863, and obtained a pardon thereby, and who intends to observe the same in good faith, should have any objection to taking that prescribed by Governor Johnson as a test of loyalty. I have seen and examined Governor Johnson's proclamation, and am entirely satisfied with his plan, which is to restore the State government and place it under the control of citizens truly loyal to the Government of the United States.

A. LINCOLN.

Please send above for Governor Johnson.

A. L.

U. S. MILITARY TELEGRAPH OFFICE,

Washington, March 1, 1864.

I certify that the above telegram is a verbatim copy of a dispatch forwarded this day to Nashville, Tenn., and now on file in this office.

CHAS. A. TINKER,
Cipher Clerk.

P. S.—Please send copy of foregoing telegram to James B. Bingham, Memphis, Tenn., and oblige,

ANDREW JOHNSON,
Military Governor of Tennessee.

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,

Madison, February 27, 1864.

Hon. E. M. STANTON,

Secretary of War, Washington, D. C.:

SIR: I am directed by the Governor to transmit you the inclosed copy of a joint resolution of the Legislature of this State relative to

the extension of time for the payment of Government bounties to volunteers, which passed both houses by a unanimous vote. The Governor cordially approves the resolution and hopes the request therein contained will be granted and that you will use your influence to that end.

Respectfully,

FRANK H. FIRMIN,
Private and Military Secretary.

[Inclosure.]

JOINT RESOLUTION relative to the extension of time for the payment of Government bounties to volunteers.

Whereas, the time limited for the payment of bounties to volunteers by the Government expires on the first day of March, eighteen hundred and sixty-four, and the quotas required to be furnished by the State of Wisconsin under the late calls of the President are not yet filled; and

Whereas, under the patriotic action of the people the business of recruiting has been going forward for several weeks past, and is now going on with much vigor, and recruits are coming forward as rapidly as they can be conveniently mustered into service or provided with camp accommodations, and there is good reason to believe that if the payment of bounties shall be continued for a few weeks longer the full number of soldiers required from this State will be supplied and the necessity for a draft will be obviated: Therefore,

Resolved by the Assembly (the Senate concurring), That the Senators and Members in Congress from this State be requested to use all possible exertions to procure an extension of time for the payment of bounties to volunteers in and for the State of Wisconsin until the first day of April, eighteen hundred and sixty-four.

WILLIAM W. FIELD,
Speaker of the Assembly.

WYMAN SPOONER,
President of the Senate.

WAR DEPARTMENT,
Washington City, February 27, 1864.

His Excellency JOHN BROUGH,
Governor of Ohio, Columbus, Ohio:

SIR: Your letter of the 27th of January* in relation to the damages occasioned by Morgan's raid in Ohio has remained unanswered with a view to ascertain the sentiment of Congress upon claims of this nature, and to consult with Representatives from different States in like condition as to the best mode of affording redress. No doubt is entertained by me that the General Government is bound to afford compensation for losses sustained from those military raids in the respective States; but there is much difficulty in determining what is the best mode of ascertaining the damages actually sustained and guarding the Government against fraudulent claims. It seemed to me to be useless to bring the matter before the attention of Congress until the questions relative to the draft and the increase of the armies

*Omitted.

should be determined. These bills having passed, it is my design to present an estimate covering the claims in the respective States, and to ask Congress to provide for their liquidation and appropriate an adequate sum for their payment. No payment has been made to the State of Pennsylvania, or to any other State; but the State of Pennsylvania has presented a claim, on which her Representatives have asked an appropriation. I do not think that method expedient, and I do not believe that it will pass. Whatever appropriation is made should be general, and sufficient to meet equally the claims of all States in like condition. There can be no objection to the individual States providing, in any manner that may be deemed proper by their authorities, for the ascertainment of the amount of the losses sustained. That was done in Minnesota and in one or two other instances. The procedure, however, is one in no degree binding upon the General Government, and I do not perceive how it can be regarded as imposing any new obligation upon the State to make redress to its own citizens, if redress cannot otherwise be obtained. It certainly cannot be construed as relieving the General Government from any obligations resting upon it. The opinion entertained by me as to the duty of General Government to make provision for these losses is, however, my individual opinion. There has been no action by the President or any branch of the Executive government upon the question. A difference of opinion seems to exist in Congress. My view rests simply upon what I conceive to be the relations of the Federal to the State government and the duties arising in a war of the present nature.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

P. S.—In relation to the men in the gun-boat service of the Western waters, the State has received the proper credit. These men were originally a part of the military land force. The gun-boats were built and manned by the War Department. Although they have recently been transferred to the Navy Department, the men were enrolled and mustered in the War Department, paid by it, and form a part of the credit given to the State.

WAR DEPARTMENT,
Washington, D. C., February 28, 1864.

General L. THOMAS,
Louisville, Ky.:

I see your dispatch of yesterday to the Secretary of War. I wish you would go to the Mississippi River at once and take hold of and be master in the contraband and loading business. You understand it better than any other man does. Mr. Mollen's system doubtless is well intended, but from what I hear I fear that if persisted in it would fall dead within its own entangling details. Go there and be the judge. A Mr. Lewis will probably follow you with something from me on this subject, but do not wait for him. Nor is this to induce you to violate or neglect any military order from the General-in-Chief or Secretary of War.

A. LINCOLN.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 79. } Washington, February 29, 1864.

COMMANDANTS OF RENDEZVOUS FOR DRAFTED MILITIA.

Any authority which may have been heretofore given for the appointment of commandants of rendezvous for drafted men or volunteers by Governors of States is hereby rescinded.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 81. } Washington, February 29, 1864.

The following resolution is published for the information and guidance of all concerned:

PUBLIC RESOLUTION—No. 14.

A RESOLUTION relative to the transfer of persons in the military service to the naval service.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, First. That the Provost-Marshal-General be, and is hereby, directed to enlist such persons as may desire to enter into the naval service of the United States, under such directions as may be given by the Secretary of War and the Secretary of the Navy, which enlistments shall be credited to the appropriate district: *Provided, nevertheless,* That inasmuch as persons enlisted in the naval service receive prize money, persons so enlisting shall not be entitled to receive any bounty upon their enlistment. *Second.* That the President of the United States may, whenever in his judgment the public service requires, authorize and direct the transfer of persons who have been employed in sea service, and are now enlisted in regiments for land service, from such regiments to the naval service, upon such terms and according to such rules and regulations as he may prescribe: *Provided, nevertheless,* That the number of transfers from any company or regiment shall not be so great as to reduce such company or regiment below the minimum strength required by the regulations of the military service: *And provided further,* That such sums as may have been paid to persons so transferred, as bounty for entering into the military service, shall be transferred from the recruiting fund of the naval service to the credit of the proper appropriation for the land service.

Sec. 2. And be it further resolved, That there shall be paid to each enlisted able or ordinary seaman hereafter enlisted into the naval service an advance of three months' pay, as a bounty, to be refunded to the Treasury from any prize money to which such enlisted man may be entitled.

Approved February 24, 1864.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

LOUISVILLE, KY., February 29, 1864.

Hon. E. M. STANTON,
Secretary of War:

President's dispatch of yesterday received. Shall leave for the Mississippi this afternoon to execute his orders. They will not interfere with my organization of colored troops, which latter I consider my paramount duty.

I. THOMAS,
Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., February 29, 1864.

Maj. Gen. H. W. HALLECK,
Commander-in-Chief U. S. Army, Washington, D. C.:

GENERAL: During the late enlistments of volunteers the heavy artillery has been a favorite arm of service, and I am informed that many regiments of that arm have now more than their maximum. It is stated that the Fourth New York has 2,300 men. I know them all to contain many men. Their organization permits about 1,800 men to a regiment.

I respectfully suggest that special returns and reports of the heavy artillery be called for to show their condition on February 29, and that where regiments have a large excess of recruits they be transferred to infantry regiments.

I would also suggest that on account of the large number of recruits received by this arm, as stated, some of the regiments or battalions from them might be sent into the field as infantry.

I am, general, very respectfully, your obedient servant,
JAS. B. FRY,
Provost-Marshal-General.

INDIANAPOLIS, February 29, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General, Washington City:

On the basis of population shown by the census of 1860, including one-half of the white population of Kentucky, Missouri, Delaware, Maryland, Western Virginia, and the District of Columbia, and omitting California, Oregon, all the rebel States and Territories, the calls made on Indiana in 1861 and 1862 were excessive 6,199.

On the basis of the enrollment the calls during same years were excessive to the number of 9,986.

Upon any basis of calculation with the number of men known to be recruited in the State and re-enlisted in the field it is certain that the State has more than filled her quota under all calls.

Many localities are paying heavy bounties, and it will occasion great complaint if they are allowed to do this after the quota is filled.

Statement mailed to-day.

O. P. MORTON,
Governor of Indiana.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 21. } Washington, March 1, 1864.

Disbursing officers of the funds for collecting, organizing, and drilling volunteers have been instructed to pay any one, citizen or soldier, until further orders, the sums of \$15 and \$10 (\$15 for a veteran and \$10 for a recruit) who may present to them the certificate of a regular recruiting officer that they have furnished an acceptable recruit to such officer.

The \$2 premium authorized by General Orders, No. 74, of July 7, 1862, will not be paid in the above cases. In all cases where the sol-

dier presents himself the premium of \$2 will be paid to him by the recruiting officer.

The term "veteran" in the above case is intended to apply to those soldiers of the regular service only who have served out their full term of enlistment and who may re-enlist.

W. A. NICHOLS,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 8. } *Washington, March 1, 1864.*

1. Pursuant to section 24 of the act approved February 24, 1864, amendatory of the act of March 3, 1863, boards of enrollment in districts in which there are any colored persons held to service will without delay proceed to enroll all such persons as are liable to military duty.

2. Enrolling officers will conduct the enrollment in the manner prescribed by existing orders and regulations and such other directions as the acting assistant provost-marshals-general of the States may give.

3. Enrollment lists will be made upon the printed forms (Nos. 35 and 36), altering the heading to suit, and in the column headed "Former military service" the name of the person to whom service is owed will be written.

4. A list, with a recapitulation of the number enrolled, will be made for each sub-district, and as soon as the enrollment of the district is completed these lists will be forwarded to the acting assistant provost-marshal-general for transmission to the Provost-Marshal-General. Copies of the list will be kept in the offices of the district provost-marshal. Those lists by sub-districts will not be consolidated.

5. The provost-marshal will furnish each person to whom the persons owe service a list of those owing service to him who have been enrolled, specifying their names, ages, and date of enrollment.

6. It is made the duty of the acting assistant provost-marshal-general to superintend this enrollment, and to give such orders and directions as may be necessary to make it accurate and complete.

JAMES B. FRY,
Provost-Marshal-General.

NOTE.—*Amended circular*—The one of the same number previously issued to be destroyed.

HARRISBURG, PA., *March 1, 1864.*

His Excellency A. LINCOLN,
President of the United States:

I regret to learn from Mr. Stevens that there is danger that the bill to refund money to the citizens of this State [who] paid militia last summer is in danger in the House, and that it may be before it to-morrow.

This money was advanced to pay debts of the United States incurred in the actual defense of the country and the enforcement of the laws.

I learn that the chairman of the Military Committee opposes the bill. I would deplore the necessity of presenting this subject to our Legislature, for reasons I explained to you, with the promise of the Secretary of War for you to the citizens who advanced the money and to me as Governor of the State.

It will seem strange to the public that with a majority in both branches such a bill cannot be passed. I cannot leave Harrisburg to-day. If I could, such is my anxiety on this subject that I would go to Washington if my presence there would in the least help the passage of the bill.

A. G. CURTIN,
Governor of Pennsylvania.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 1, 1864.

His Excellency JAMES Y. SMITH,
Governor of Rhode Island, Providence, R. I.:

SIR: I have the honor to acknowledge receipt of your letter of February 25, urging that as Rhode Island has furnished her quota that none of her delinquent towns shall be subject to draft, and expressing your surprise that any other course should be proposed, and asking that no other system than the one you propose be adopted until due notice of the intended change be given to you.

In reply I inclose a copy of the act approved February 24, 1864, amendatory of the enrollment act, from which you will see (section 3) that the subject has been fixed by law.* I therefore respectfully notify you of the intention of this Bureau to change the system you understood to have been in force so far as to make it conform to the present law, which law did not exist at the date of my letter to you of October, 1863.

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 9. } *Washington, March 2, 1864.*

Boards of enrollment will commence on the 10th instant to make the draft in all sub-districts which had not filled their quotas before the 1st instant. All volunteers who may enlist before the draft is actually made will be deducted from the quotas by the Board of Enrollment in accordance with orders, to be given in each case, by the acting assistant provost-marshals-general of the States. If the quota shall not be filled by the first draft, the Board shall make further drafts until the entire quota is obtained.

JAMES B. FRY,
Provost-Marshal-General.

* See p. 128.

WAR DEPARTMENT,
Washington City, March 2, 1864.

Hon. HENRY WILSON,
Chairman Committee on Military Affairs, U. S. Senate:

SIR: Your note of this date requesting my views regarding Joint Resolution No. 41 of the House of Representatives, to continue the payment of bounties, &c., has just been received, and in reply I have the honor to state:

First. That in my opinion the requisite troops can be raised more expeditiously by continuing the payment of bounties to the 1st of April than by any other means.

Second. That at present great exertions are being made in the several States to raise their quotas by volunteers, so as to avoid a draft, the people preferring that method of furnishing troops.

Third. That General Burnside, General Hancock, and State Legislatures and Executives are earnestly requesting the continuance of the bounties until the 1st of April.

Fourth. That in my opinion the joint resolution of the House is wise and judicious, and that its speedy passage by the Senate would greatly promote the public welfare and strengthen the military force more quickly and efficiently than can be accomplished in any other mode.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

SPRINGFIELD, ILL., March 2, 1864.

Hon. E. M. STANTON,
Secretary of War:

Insurrection in Edgar County, Ill. Union men on one side, copper-heads on the other. They have had two battles; several killed. Please order Lieutenant-Colonel Oakes, assistant provost-marshal-general, to send two companies of the Invalid Corps to Paris, Ill., to put down the disturbance and keep the peace. I have no arms for militia, as you are well aware. Please answer immediately.

RICHARD YATES,
Governor.

WAR DEPARTMENT,
Washington, D. C., March 2, 1864.

Governor YATES,
Springfield, Ill.:

Orders will be immediately given Lieutenant-Colonel Oakes to render you assistance, and Major-General Heintzelman will be ordered immediately to your aid. His headquarters are at Columbus. You can communicate with him as commander of the department.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,

Washington, D. C., March 2, 1864.

Major-General HEINTZELMAN,

Columbus, Ohio:

You will repair forthwith to Paris, Edgar County, Ill., and, on consultation with Governor Yates, assist the civil authorities in restoring order and enforcing the law. Lieutenant-Colonel Oakes, with two companies of invalids, has been ordered there, with instructions to report to you on your arrival. Governor Yates reports an insurrection in Edgar County and asks for troops to restore order.

H. W. HALLECK,

*General-in-Chief.*GENERAL ORDERS, {
No. 39.

HQRS. DEPT. OF THE CUMBERLAND,

Chattanooga, Tenn., March 2, 1864.

The raising of two regiments of infantry of African descent will be commenced at this place without delay, under the direction of Col. T. J. Morgan, commanding Fourteenth Regiment U. S. Colored Troops. Colonel Morgan will receive all recruits enlisted by Mr. J. A. Spooner, agent for recruiting of colored troops at this place, as well as those recruited at such other stations as he may establish, and organize them into companies, under command of the officers of his regiment, until officers are appointed. One of these regiments will be composed of such men only as can pass the physical examination required of all men entering the military service of the United States. The other will be composed of all classes of colored men capable of performing the ordinary fatigue duties of a military depot, and as soon as companies are organized they will be subject to such details for fatigue duty as the commanding general of the department may direct.

William W. Wright, chief engineer U. S. military railroads, Division of the Mississippi, has been appointed colonel of the second regiment named above.

The major-general commanding the department will nominate for appointment the additional field and line officers, selecting such as he may deem best fitted for the service. Their names will be reported to the Bureau for Colored Troops at Washington, D. C., through Capt. R. D. Mussey, Nineteenth U. S. Infantry, acting commissioner for the organization of colored troops, when the appointments will be forwarded and the regiments receive their designation.

The quartermaster's, commissary, and ordnance departments will fill Colonel Morgan's requisitions for the necessary stores.

By command of Major-General Thomas:

WM. D. WHIPPLE,

*Assistant Adjutant-General.*GENERAL ORDERS, {
No. 87.

WAR DEPT., ADJT. GENERAL'S OFFICE,

Washington, March 3, 1864.

The following act of Congress is published for the information of all concerned:

PUBLIC—No. 12.

AN ACT reviving the grade of lieutenant-general in the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grade of lieutenant-general be, and

the same is hereby, revived in the Army of the United States; and the President is hereby authorized, whenever he shall deem it expedient, to appoint, by and with the advice and consent of the Senate, a lieutenant-general, to be selected from among those officers in the military service of the United States, not below the grade of major-general, most distinguished for courage, skill, and ability who, being commissioned as lieutenant-general, may be authorized, under the direction and during the pleasure of the President, to command the armies of the United States.

SEC. 2. *And be it further enacted,* That the lieutenant-general appointed as hereinbefore provided shall be entitled to the pay, allowances, and staff specified in the fifth section of the act approved May twenty-eight, seventeen hundred and ninety-eight; and also the allowances described in the sixth section of the act approved August twenty-three, eighteen hundred and forty-two, granting additional rations to certain officers: *Provided,* That nothing in this act contained shall be construed in any way to affect the rank, pay, or allowances of Winfield Scott, lieutenant-general by brevet, now on the retired-list of the Army.

Approved February 29, 1864.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

MEMORANDUM.] WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, March 3, 1864.

General Orders, No. 76, dated February 26, 1864, applies to soldiers convicted only of desertion, and does not relate to persons convicted of other crimes. The latter class will be punished according to the respective sentences.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, March 3, 1864.

Governor YATES,
Springfield, Ill.:

By authority of joint resolution of Congress passed to-day the payment of bounties will be continued until further orders.

EDWIN M. STANTON,
Secretary of War.

(Same to Governor Morton, Indianapolis; Governor Andrew, Boston, Mass.; Governor Seymour, Albany, N. Y.; Major-General Burdette, New York; Major-General Hancock, Harrisburg; Andrew Curtin, Governor of Pennsylvania, Harrisburg; John Brough, Governor of Ohio, Columbus.)

SPRINGFIELD, *March 3, 1864.*

Major-General HEINTZELMAN:

Have dispatch from Secretary of War that you render aid in quelling disturbance in Edgar County, Ill. I deemed it necessary only send two companies of Invalid Corps to Paris, and so requested War Department.

Lieutenant-Colonel Oakes, assistant provost-marshal-general, Illinois, has been ordered to Paris with two companies by General Halleck, and I think that all action necessary at this time.

RICHARD YATES,
Governor of Illinois.

INDIANAPOLIS, *March 3, 1864.*

Col. J. B. FRY:

DEAR COLONEL: Let me earnestly invite the Government to pause before adopting a construction requiring a draft in a State that has filled her quota in the aggregate.

O. P. MORTON.

LEAVENWORTH, *March 3, 1864.*

Hon. S. C. POMEROY:

Have Fry stop draft. Sixteenth nearly raised. Seventh and Eighth re-enlisted. Two hundred for old regiments since 300,000 call. We can meet all calls without draft.

THOS. CARNEY.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

Washington, D. C., March 3, 1864.

Lieut. Col. JOSEPH DARR, Jr.,

Acty. Asst. Provost-Marshal-General, Wheeling, W. Va.:

Inform General Kelley of the times and places of drafting in your State and arrange with him for such military force as may be required.

JAMES B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 91. } *Washington, March 4, 1864.*

Section 7 of the act approved February 24, 1864, provides as follows:

And any person now in the military service of the United States, who shall furnish satisfactory proof that he is a mariner by vocation, or an able seaman, or ordinary seaman, may enlist into the Navy under such rules and regulations as may be prescribed by the President of the United States: *Provided*, That such enlistment shall not be for less than the unexpired term of his military service, nor for less than one year. And the bounty money which any mariner, or seaman, or ordinary seaman, enlisting from the Army into the Navy, may have received from the United States, or from the State in which he enlisted in the Army, shall be deducted from the prize money to which he may become entitled during the time required to complete his military service: *And provided further*, That the whole number of such transfer enlistments shall not exceed ten thousand.

The following regulations are prescribed by the President of the United States to carry this act into effect:

The Secretary of the Navy designates the whole number, not exceeding 12,000, which it is desirable to have at each of the several naval stations fixed upon by him, as follows:

At Cairo, Ill.....	1,000
At Boston.....	2,000
At New York.....	5,000
At Philadelphia.....	3,000
At Baltimore.....	1,000

To facilitate as much as possible the execution of the law above cited, it shall be the duty of every officer commanding a company and of every officer commanding a recruiting rendezvous or depot, to forward all the applications made to him for transfer by seamen or ordinary seamen of his company or detachment, together with the proof that the applicants are mariners by vocation, or able or ordinary seamen, through the proper authorities, to the headquarters of the army or department in which the company is serving, or in which the rendezvous or depot may be situated; and he shall indicate in his report those of the applicants who have served longest at sea, and whether in the merchant or naval service. Not less than two years sea service will constitute an ordinary seaman, and not less than four an able seaman; and, in the absence of other proof, the applicant may be required to make oath as to the service he has seen at sea. All recruits who may be found qualified for transfer to the Navy will be retained at the depot until the decision of the army or department commander is made known.

Each commanding general of an army or department which has been required to furnish a quota for transfer to the Navy will at once designate one or more officers, as may be required, to examine the applications and determine from them, according to the qualifications of the applicants and the number to be furnished, what men shall be transferred to the Navy, care being taken that the transfer enlistmen shall be so apportioned among the companies of each command that no regiment shall be reduced below the minimum organization.

As fast as selections are made the men selected for transfer will be sent to the designated stations in the most expeditious manner, and suitable conduct; and the officer in charge of each detachment will be furnished with complete descriptive lists, containing statements of the pay, bounty, and clothing received and due, which will be turned over with the men to the commandant of the station.

Upon being accepted at the naval station the men will be dropped from the rolls of their companies transferred to the Navy by enlistment; but, if rejected for physical disability or for not having seen the prescribed sea service they will be sent back to their companies and if guilty of fraud or misrepresentation in their applications the expense of transportation will be charged against their pay.

Weekly reports of the men transferred under the provisions of this order will be made to the Adjutant-General of the Army.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

SPRINGFIELD, ILL., March 4, 1864.

Maj. Gen. S. P. HEINTZELMAN,
Paris:

I am surprised that the Secretary of War ordered you to Paris, and telegraphed him to let me send two companies of the Invalid Corps there, which I supposed would do for the present. Colonel Onkes is on his way to Paris; left here this morning. I desire you to confer with Doctor Kyle and George M. Rives, of Paris.

All that I can suggest is that the 2,000 men represented by Rives and Kyo to be in arms, be informed that any insurrection on their part will be at once put down by the Government.

RICHARD YATES,
Governor of Illinois.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 4, 1864.

THOMAS WEBSTER, Esq.,
1210 Chestnut Street, Philadelphia, Pa.:

SIR: In reply to your letter of the 27th ultimo I am directed to say that you are hereby authorized to raise another regiment of infantry, to be composed of colored men, and to be mustered into the service of the United States for three years or during the war. The regiment raised under this authority will be known and designated as the Forty-third Regiment U. S. Colored Troops. The instructions heretofore given in regard to organization, musters, &c., will govern in this case.

I have the honor to be, &c.,

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

WHEELING, *March 4, 1864.*

Col. J. B. FRY,
Provost-Marshal-General:

I have been shown a dispatch from you to Lieutenant-Colonel Darr, acting assistant provost-marshal-general of this State, requiring him to inform General Kelley of the times and places of drafting in this State, and to arrange with him for such military force as may be required. I cannot understand this, as this State has furnished more than quota of volunteers as fixed by you, and 1,500 of an excess, according to the statement of my adjutant-general. This is to the 1st of March; by the 10th of March the excess will be over 2,000. I shall be pleased to have your understanding of the matter and to know what you yet claim.

A. I. BOREMAN,
Governor of West Virginia.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 4, 1864.

His Excellency Governor A. I. BOREMAN,
Wheeling, W. Va.:

Your telegram of to-day received. Orders have been sent this date suspending the draft.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 4, 1864.

Maj. J. W. T. GARDINER,
Acting Assistant Provost-Marshal-General, Augusta, Me.:

Orders requiring draft on 10th instant are suspended. A subsequent day for commencing the draft will be announced in time to make all necessary preparations. Notify the Governor.

JAMES B. FRY,
Provost-Marshal-General.

(Operator will send similar dispatches to the following: Brig. Gen. E. W. Hinks, Concord, N. H.; Brig. Gen. T. G. Pitcher, Brattleborough, Vt.; Maj. Francis N. Clarke, Boston, Mass.; Capt. William Silvey, Providence, R. I.; Maj. D. D. Perkins, Hartford, Conn.; Brig. Gen. William Hays, New York City; Maj. Frederick Townsend, Albany, N. Y.; Maj. A. S. Diven, Elmira, N. Y.; Lieut. Col. R. C. Buchanan, Trenton, N. J.; Maj. C. C. Gilbert, Philadelphia, Pa.; Lieut. Col. J. V. Bonford, Harrisburg, Pa.; Col. N. L. Jeffries, Baltimore, Md.; Lieut. Col. Joseph Darr, jr., Wheeling, W. Va.; Maj. W. H. Sidell, Louisville, Ky.; Col. E. B. Alexander, Saint Louis, Mo.; Col. J. H. Petter, Columbus, Ohio; Col. Conrad Baker, Indianapolis, Ind.; Lieut. Col. James Oakes, Springfield, Ill.; Lieut. Col. Bennett H. Hill, Detroit, Mich.; Maj. Thomas Duncan, Davenport, Iowa; Col. James D. Greco, Madison, Wis.; Lieut. Col. John T. Averill, Saint Paul, Minn.; Capt. Sidney Clarke, Leavenworth, Kans.)

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 92. } Washington, March 6, 1864.

The following joint resolution by the Senate and House of Representatives of the United States of America is published for the information of the Army and all concerned:

PUBLIC RESOLUTION—No. 16.

JOINT RESOLUTION to continue the payment of bounties.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounties authorized to be paid under existing laws, and by regulations and orders of the War Department, to veterans re-enlisting or persons enlisting in the regular or volunteer service of the United States for three years or during the war, shall continue to be paid from the first day of March, eighteen hundred and sixty-four, to the first day of April, eighteen hundred and sixty-four, anything in any law or regulation to the contrary notwithstanding; the said bounties to be paid out of any moneys already appropriated for such purposes.

Approved March 3, 1864.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 5, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I have the honor to request that the organization known as the Invalid Corps may be hereafter called the Veteran Reserve Corps.

There are in my judgment good and sufficient reasons for this change. This change of name is not intended to alter any of the principles or rules upon which the corps was organized and by which it is governed.

I am, sir, very respectfully, your obedient servant,
JAMES B. FRY,
Provost-Marshal-General.

[Indorsement.]

Approved.

E. M. STANTON.

PARIS, ILL., *March 5, 1864.*

Maj. Gen. H. W. HALLECK,
General-in-Chief:

I arrived here yesterday at 8 a. m., and at 3 p. m. Captain Hill's company of invalids from Chicago; Lieutenant-Colonel Oakes at 1 this morning. Some more troops are expected momentarily. I found the town perfectly quiet, the account being greatly exaggerated. No one has been killed and but three wounded. I will order Lieutenant-Colonel Oakes back to his duties as his troops arrive, and will leave for my headquarters by the first train. A more detailed report will be furnished.*

S. P. HEINTZELMAN,
Major-General.

SENATE CHAMBER, THIRTY-SEVENTH CONGRESS,
Washington City, March 5, 1864.

Colonel FRY:

SIR: I have received this telegraph from Governor Carney, of my State.† As those additional regiments are nearly full, of course you will not order a draft in Kansas.

Our quota is full, if you get the returns in season. I hope you will telegraph at once to the Governor.

Truly,

S. C. POMEROY.

HDQRS. ACTG. ASST. PROV. MAR. GEN., STATE OF KENTUCKY,
Louisville, Ky., March 5, 1864.

Col. J. B. FRY,
Provost-Marshal-General, Washington, D. C.:

COLONEL: I have the honor to inclose herewith a letter from Adjutant-General Boyle, of this State, asking a question which I have no the data to answer, viz: Why, under the call for 500,000 men in 1861 Kentucky was required to furnish 27,211 men, while now under a call for the same number she is required to furnish but 14,471.

My reply to General Boyle suggests that the deductions now made while there were none to be credited in 1861 may account for the discrepancy.

I inclose also copy of my letter addressed to one of my provost-marshals, being of the general form addressed to each. It was issued

*See April 8, p. 221.

† See p. 151.

immediately after receipt of your letter of 23d February, and was intended to convey its information to the provost-marshals severally. I would respectfully ask if it be in strict conformity with your letter of 23d of February, as I find some ambiguous points in that letter.

I assume that the work of the commissaries of musters has been adjusted in the Adjutant-General's Office, as there are no returns whatever of this work in this office. Lieutenant-Colonel Flint is chief commissary of musters of the Department of the Ohio, through whom the commissaries report, and also, as I understand, report directly to the Adjutant-General. I respectfully ask to be informed on this point, in order that I may speak advisedly when consulted by the Governor or other proper authorities.

I am, colonel, respectfully, your obedient servant,
W. H. SIDELL,
Major Fifteenth U. S. Infly., Actg. Asst. Prov. Mar. Gen.

[Inclosure No. 1.]

HQRS. KENTUCKY VOLS., ADJUTANT-GENERAL'S OFFICE,
Frankfort, March 4, 1864.

Maj. W. H. SIDELL, U. S. Army,
Actg. Asst. Prov. Mar. Gen., Dist. of Ky., Louisville, Ky.:

MAJOR: The Louisville Journal of this day contains a notice from yourself that bounties will be paid until April 1 proximo. Does this indicate a suspension of the draft until that time?

Mr. Haydon has delivered me your letter and accompanying papers, for which I thank you. Does it not appear unreasonable, however, that under a call for 500,000 men in 1861 Kentucky should be required to furnish 27,211 (which she more than did), while under a similar call now she is expected to raise only 14,471? Ought we not in justice be credited with our overplus for 1861 and 1862? I forbear to say more at present until we learn of the suspension of the draft or not. If suspended, I will endeavor to see you before April 1. Please answer early.

Respectfully, your obedient servant,

JOHN BOYLE,
Adjutant-General.

[Inclosure No. 2.]

HQRS. ACTG. ASST. PROV. MAR. GEN., STATE OF KENTUCKY,
Louisville, Ky., March 1, 1864.

Capt. ROLAND H. HALL,
Provost-Marshal, First Dist. of Kentucky, Paducah, Ky.:

CAPTAIN: I have been furnished by the Provost-Marshal-General with the quota for Kentucky to fill the call of the President for 500,000 men for the several districts; also the number of volunteers up to 31st January from the districts at large not heretofore credited, so far as known to him.

These numbers for the First District are as follows:

Quota under the President's call.....	1,767
Number of volunteers up to January 31, as above, not heretofore credited..	48

First. You will at once proceed to ascertain the proper proportion of the quota (1,767) of the district for the several sub-districts on the

basis of the total enrolled of first and second classes in the manner heretofore explained.

Second. You will also by the same rule and process ascertain the proportions for the several sub-districts of the number of volunteers (as above, 483) not heretofore credited up to January 31. Others not heretofore credited are now to be considered for the several sub-districts and credited accordingly, as follows:

Third. The number recruited directly for the sub-districts prior to 1st of February, as heretofore (8th of February) sent you from this office, and repeated as follows:

Sub-district.	County.	Number.
First	McCracken	1
Eighth	Crittenden	804
Eleventh	Lyon	76
Twelfth	Caldwell	71
Thirteenth	Trigg	71
Fourteenth	Marshall	1
Tenth	Livingston	11
All other .....	.....	None.
Total .....	.....	534

Fourth. The number of recruits made at these headquarters in the several sub-districts in February, viz: All sub-districts, none.

Fifth. Any and all recruits that have been enlisted and mustered by you during the month of February you will also add to the number to be subtracted from the whole quota, though the reports tri-monthly may have been forwarded to these headquarters.

Sixth. The number of veterans recruited at this office for the several sub-districts, for which the sub-district will, in like manner as above, be credited as follows: All sub-districts, none.

The numbers obtained under the second head and shown under the third, fourth, fifth, and sixth heads for each of the several sub-districts, as obtained under the first head. The remainder will be the number subject to draft in the several sub-districts.

You will please make out the quota of the sub-districts without the least delay, and report them with all the figures and particulars, as seen as made, to this office in duplicate.

I am, captain, respectfully, your obedient servant,

W. H. SIDELL,

Major Fifteenth U. S. Infy., A. A. P. M. G. for Kentucky.

MEMPHIS, TENN., March 7, 1864—10 a. m.

Hon. EDWIN M. STANTON,

Secretary of War:

Mr. Mellon has just arrived, and I proceed with him to Vicksburg in an hour. Of colored troops at this place there are two regiments of heavy artillery, aggregate, 2,284; one light battery, 98; three regiments of infantry, 2,901; grand aggregate, 5,283. As these regiments have remained here during the absence of General Sherman's command, I cannot account for the report made at Washington that there

were two or three colored regiments on the river. I shall find competent garrisons for other troops on the river by the end of the month. An additional regiment of infantry will be organized here.

L. THOMAS,
Adjutant-General U. S. Army.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 7, 1864.

Maj. Gen. N. P. BANKS, U. S. Volunteers,
Comdy. Department of the Gulf, New Orleans, La.:

GENERAL: I am directed to invite your attention to General Orders, No. 47, from your headquarters, dated June 6, 1863.

The organization therein established is in numbers inconsistent with Mustering Regulations and General Orders, No. 110, War Department, Adjutant-General's Office, 1863. It is not supposed that this fact has escaped your attention, and it is believed that some special considerations, unknown to the Department, have rendered it necessary in your opinion that the colored troops be organized in the manner set forth in the order referred to. The latest returns on file in this office do not show that the regiments and companies have been increased to the maximum as provided in the first paragraph of said order.

A report from you on this subject is respectfully requested.

I have the honor to be, very respectfully, your obedient servant,

O. W. FOSTER,
Assistant Adjutant-General.

[MARCH 8, 1864.—For joint resolution of thanks of Congress to the volunteer soldiers who have re-enlisted in the Army, approved March 3, 1864, and announced in General Orders, No. 88, War Department, Adjutant-General's Office, see Series I, Vol. XXXIV, Part II, p. 527.]

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 89. } *Washington, March 8, 1864.*

All Confederate bills, notes, or bonds in the hands of officers or agents of the Government will be transmitted to the Adjutant-General of the Army, with a specified statement how and from whom they were received. If captured, the circumstances of the capture will be stated; and if any portion has been expended, the amount and mode of expenditure will be given. Commanding officers of departments, armies in the field, independent posts, regiments, and companies are charged with the execution of this order.

By order of the Secretary of War:

W. A. NICHOLS,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 22. } *Washington, March 8, 1864.*

I am directed to inform you that all men enlisting or re-enlisting into the Regular Army from the different armies in the field, or from the District of Columbia, will be allowed to select the State, district, township, town, and ward to which they prefer being credited. The localities to which men prefer being credited must be indorsed on their enlistment papers.

Enlistments or re-enlistments into the Regular Army made in the loyal States will be credited to the localities where the enlistments or re-enlistments are made.

E. D. TOWNSEND,
Assistant Adjutant-General.

OFFICE ACTG. ASST. PROV. MAR. GEN. FOR ILLINOIS,
Springfield, March 8, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General, Washington, D. C.:

COLONEL: I have the honor to ask if any action is contemplated to check the removal from the State of persons subject to military duty. In view of the near approach of the draft this movement has already begun and is rapidly assuming a serious character.

Captain Westlake, provest-marshal, Ninth District, under date of March 7, 1864, says:

At least 1,000 young and able-bodied men intend to leave this district for California, Idaho, and other places, with a view of escaping the draft. * * * The copperheads are the ones who intend to leave. Something should be done to stop them from leaving the State, &c.

Having received similar information from other portions of Illinois, I would respectfully suggest that the matter should receive the early attention of the Government, and measures be taken to arrest this tide of emigration, if practicable, at least until after the draft, or that parties leaving should be made answerable in a proper bond, or otherwise, for their appearance if drafted.

Very respectfully, your obedient servant,

JAMES OAKES,
Lieut. Col. Fourth U. S. Cavalry, A. A. P. M. G. for Illinois.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 23. } *Washington, March 9, 1864.*

Under the provisions of General Orders, No. 91, current series, from this office, relative to enlistments from the Army into the Navy, the following quotas are assigned the departments herein enumerated, as follows:

Department of the East.....	8,000
Middle Department.....	1,500
Department of Virginia and North Carolina.....	1,500
Department of Washington.....	2,500
Department of the Susquehanna.....	2,000
Department of the Monongahela.....	500
Northern Department.....	1,000
Total.....	12,000

Commanding generals of departments will communicate with the Navy Department, and cause the men selected for transfer to be sent to the designated stations in such numbers as may be fixed by the Secretary of the Navy.

W. A. NICHOLS,
Assistant Adjutant-General.

WASHINGTON, D. C., March 9, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: Under the provisions of the act of April 4, 1862, which authorizes the President to assign to command officers of the same grade, without regard to seniority of rank, the undersigned, a major-general, was assigned in July, 1862, to the command of the land forces of the United States. Since that time the higher grade of lieutenant-general has been created, and the distinguished officer promoted to that rank has received his commission and reported for duty. I therefore respectfully request that orders be issued placing him in command of the Army and relieving me from that duty. In making this request I am influenced solely by a desire to conform to the provisions of the law, which, in my opinion, imposes upon the lieutenant-general the duties and responsibilities of the General-in-Chief of the Army.

Very respectfully, your obedient servant,

H. W. HALLECK,
General-in-Chief.

BOSTON, March 9, 1864.

SECRETARY OF WAR:

The Granite State has uttered her voice in favor of the war policy of the Government. The soldiers of New Hampshire have aided civilians and citizens to achieve a great constitutional victory, on the field or at their homes. Our boys in blue will give no quarter to treason.

J. A. GILMORE,
Governor of New Hampshire.

WAR DEPARTMENT,
Washington, D. C., March 9, 1864.

Governor GILMORE,
Boston:

Accept my thanks for your telegram and my cordial congratulations to yourself and the patriotic people of the State for their great loyal victory.

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE MANSION,
Washington, D. C., March 10, 1864.

Under the authority of an act of Congress to revive the grade of lieutenant-general in the U. S. Army, approved February 29, 1864,

Gen. Ulysses S. Grant, U. S. Army, is assigned to the command of the Armies of the United States.*

ABRAHAM LINCOLN.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 96. } Washington, March 10, 1864.

ARMS AND CAMP EQUIPAGE OF FURLOUGHED REGIMENTS.

When veteran volunteer regiments are sent on furlough, the men of regiments who go home will take their arms and accoutrements with them to the State rendezvous, where they will be left in store. When the regiment assembles again at the expiration of its furlough, the superintendent of the recruiting service will detail as many regimental officers as may be necessary to remain at the rendezvous in charge of the arms and accoutrements thus left, and will promptly report to the Adjutant-General the names of the officers detailed. They will receive their furloughs after the regiment returns to the rendezvous.

The officers detailed to take charge of this property will be held personally accountable that it is preserved in good order. They will issue invoices and receipts for the same, on which the condition of each article will be noted, and will make a special return of it to the Adjutant-General, on which the regiments and companies to which it belongs will be specified.

At the expiration of the furlough granted the regiment, the arms and accoutrements will again be turned over to the regimental and company officers, who should be responsible for them when in the hands of the men; and they will be responsible that when the men return to the Army, their arms and accoutrements shall return with them in serviceable condition.

This order is not intended to apply to men furloughed as individuals when their regiments do not re-enlist, who will turn in their arms and accoutrements to the officer responsible therefor before they leave their companies.

The camp and garrison equipage of a furloughed regiment will be properly cared for until its return, according to orders which may be issued by the commanders in the field.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, March 10, 1864.

General HEINTZELMAN,
Commanding Northern Department, Columbus, Ohio:

The Secretary of War directs me to transmit to you, herewith, a copy of a communication from the acting assistant provost-marshal-general for Indiana to the Provost-Marshal-General, together with the supposed treasonable designs of certain disloyal parties in Indiana and Illinois.

Grant's order assuming command, see Series I, Vol. XXXII, Part III,

RECORDS—SERIES III, VOL. IV

The Secretary of War desires that you give the matter early and diligent attention, and that you keep the Department posted about the movements of the parties referred to and the action taken by you to defeat their plans. The employment of the persons named in Colonel Butler's letter is authorized for this purpose, as well as the employment of any other means that you may think necessary and proper in the premises.

Very respectfully,

ED. R. S. CANBY,

Brigadier-General and Assistant Adjutant-General.

[Inclosure.]

OFFICE HONOR. ASST. PROV. MARL GEN. FOR INDIANA,
Indianapolis, Ind., March 5, 1864.

Col. JAMES B. FRY,

Provost-Marshal-General.

SIR: The evidence is daily accumulating of an intention on the part of the disloyal portion of the citizens of this State and of the State of Illinois to revolt against the Government as soon as their plans are perfected and a favorable opportunity offers. I think, with proper skill and energy, their treasonable schemes could be exposed and some of their leaders brought to merited punishment. I have strong reasons for believing that arrangements have been made for procuring arms from Canada, and that they are to be distributed from Chicago, Fort Wayne, and other points. The machinery by which the dupes of these leaders are to be educated up to the point of open resistance to the Government consists of secret oath-bound societies, the organization of which is fast being perfected all over the State.

I am in communication with two of the members of this organization, who connected themselves with it for the purpose of serving the Government, and both of whom I believe to be thoroughly loyal and reliable. One of them, John Jackson, has within a few days enlisted as a soldier in the One hundred and first Regiment Indiana Volunteers, and I think, with the knowledge he possesses of the plans of these traitors, and having their confidence as he has, he could be much more useful to the Government by retaining him in this State than by sending him to the field.

The other is a man with good social position, a physician by profession, quite intelligent, and possessed of considerable property. He has already spent some money and much time in making himself acquainted with the plans of these men, for the purpose of ultimately using the information for the benefit of the Government. His name is Henry L. Zimura, and his residence Huntington, Ind. I beg leave to suggest the propriety of employing him for detective purposes at such salary as would justify the risk of loss of life and property he would incur in the event of his relations to the Government being discovered. His services could be secured for \$400 per month. If he were employed in the ordinary way, through the provost-marshal of this district, the employment would most probably be known.

If he should be employed the fact should only be known by himself and the officer employing him. I further suggest that if the recruit Jackson should be detailed for similar duty in this State the fact of the detail should not be made known to any person or officer in the State, except himself and the officer to whom he might be directed to report. I would then have him to perform the part of a deserter and return to

his disloyal associates, by whom he would be sure to be treated with new marks of confidence. Through these two men I think other reliable men could be initiated into the order and an amount of evidence could be accumulated which would secure a complete exposure and the punishment of the most guilty.

I am satisfied that the assassination of the Governor of this State is one of the objects contemplated by some of the men connected with this treasonable organization, the design being to transfer the executive power of the State to disloyal hands by vesting it in an officer who is known to sympathize with treason.

If the suggestions I have made are deemed worthy of serious consideration, their execution might be intrusted to the major-general commanding the department. If it was thought necessary to have an officer on duty in this State in immediate connection with the parties employed, I beg leave to suggest that Brigadier-General Carrington, now on duty with Governor Morton, is well fitted for the duty. Believing that the subject merits attention, I have thought it proper to submit these views for your consideration.

The hostility to the Government among the disloyal portion of the citizens of this State is less demonstrative than it was last summer, but it is also better organized and more determined, and therefore more dangerous.

I have the honor, colonel, to be, very respectfully, your obedient servant,

CONRAD BAKER,

Colonel and Acting Assistant Provost-Marshal-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,

Saint Louis, March 10, 1864.

Hon. E. M. STANTON,

Secretary of War:

SIR: Having carefully examined into the condition and position of this department, I am satisfied that the interests of the service require the following measures:

First. The provost-marshal-general's department here should be filled throughout the State with able and impartial military men, properly qualified and free from all interest or bias in local politics, while they should be sound, earnest, national men. This being in my power, I am effecting.

Second. The security of internal peace and order, the suppression of guerrilla and other unlawful or thieving organizations, will be best effected by disciplined, well-officered troops from other States. This will require from one to two regiments of infantry and four regiments of cavalry from elsewhere, but it will disband 2,400 enrolled militia and enable us to more than double the force we thus borrow by converting the Missouri troops now in the U. S. service and U. S. Volunteers ready for duty out of the State.

This change of troops is demanded by many high considerations, political and economical, and all the more necessary in view of the approaching political canvass for State officers and policy. The people are ripe for it and it will save expense.

Third. The ten regiments of Missouri State Militia troops now in our service ought to be converted into U. S. Volunteers or veterans, or disbanded. This will save us \$250,000 per annum, and increase

the efficiency of the troops which will then be available for service outside of the State.

Fourth. When these are effected, these Missouri, Kansas, and Arkansas troops should be combined and sweep the country west of the Mississippi to the Gulf. The season is advanced, and to make effectual work on the suggestions proposed your immediate decision should be announced.

Further reasons and details relating to these views will be furnished if desirable.

W. S. ROSECRANS,
Major-General.

ORDERS No. 7.]

VICKSBURG, MISS., *March 11, 1864.*

All troops of African descent will hereafter be designated by numbers, and be reported by the number as regiments of U. S. cavalry, heavy artillery, light artillery, or infantry (colored). Those in the Department of the Tennessee will be numbered as follows, hereinafter. Those in the Department of the Gulf will be numbered as soon as complete returns of the same have been received. After the regiments have been designated in accordance with the above, under no circumstances whatever will any other number or denomination be given them.

CAVALRY.

First Regiment Mississippi Cavalry, of African descent, as the Third.

HEAVY ARTILLERY.

First Regiment Tennessee Heavy Artillery, of African descent, as the Second.

Second Regiment Tennessee Heavy Artillery, of African descent, as the Third.

First Regiment Mississippi Heavy Artillery, of African descent, as the Fourth.

Second Regiment Mississippi Heavy Artillery, of African descent, as the Fifth.

LIGHT ARTILLERY.

First, Second, and Third Louisiana Batteries, of African descent, as Batteries A, B, and C, Second.

The Memphis Light Battery, of African descent, as Company D, Second.

INFANTRY.

First Regiment Arkansas Volunteers, of African descent, as the Forty-sixth.

Eighth Regiment Louisiana Volunteers, of African descent, as the Forty-seventh.

Tenth Regiment of Louisiana Volunteers, of African descent, as the Forty-eighth.

Eleventh Regiment Louisiana Volunteers, of African descent, as the Forty-ninth.

Twelfth Regiment Louisiana Volunteers, of African descent, as the Fiftieth.

First Regiment Mississippi Volunteers, of African descent, as the Fifty-first.

Second Regiment of Mississippi Volunteers, of African descent, as the Fifty-second.

Third Regiment Mississippi Volunteers, of African descent, as the Fifty-third.

Second Regiment of Arkansas Volunteers, of African descent, as the Fifty-fourth.

First Regiment Alabama Volunteers, of African descent, as the Fifty-fifth.

Third Regiment Arkansas Volunteers, of African descent, as the Fifty-sixth.

Fourth Regiment Arkansas Volunteers, of African descent, as the Fifty-seventh.

Sixth Regiment Mississippi Volunteers, of African descent, as the Fifty-eighth.

First Regiment West Tennessee Volunteers, of African descent, as the Fifty-ninth.

First Regiment Iowa Volunteers, of African descent, as the Sixtieth.

Second Regiment West Tennessee Volunteers, of African descent, as the Sixty-first.

First Regiment Missouri Volunteers, of African descent, as the Sixty-second.

Ninth Regiment Louisiana Volunteers, of African descent, as the Sixty-third.

Seventh Regiment Louisiana Volunteers, of African descent, as the Sixty-fourth.

Second Regiment Missouri Volunteers, of African descent, as the Sixty-fifth.

Fourth Regiment Mississippi Volunteers, of African descent, as the Sixty-sixth.

Third Regiment Missouri Volunteers, of African descent, as the Sixty-seventh.

Fourth Regiment Missouri Volunteers, of African descent, as the Sixty-eighth.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

ORDERS No. 8.]

VICKSBURG, MISS., *March 11, 1864.*

Brig. Gen. W. A. Pile, U. S. Volunteers, now charged with the organization of colored troops in Missouri, is authorized to assign such officers and enlisted men as may be disposable for the purpose of recruiting colored troops in the State of Missouri. No officer detailed for this duty will be permitted to remain at any one point longer than it becomes evident that all available men have been recruited in the locality where he may be stationed.

On the application of Brigadier-General Pile, the major-general commanding the Department of the Missouri will detail such commissioned officers and enlisted men from regiments as the former officer may desire, to fill positions in the colored regiments to be raised under his (General Pile's) supervision. All so detailed will receive the appointments to which they may be nominated by General Pile on that officer making application to Brig. Gen. L. Thomas, Adjutant-General U. S. Army, at Vicksburg, Miss., provided all that are so

nominated have passed a satisfactory examination before a properly authorized board.

As soon as General Pilo has completed the organization of the colored regiments now being raised he will commence recruiting one or more additional regiments.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

ORDERS No. 9.]

VICKSBURG, MISS., *March 11, 1864.*

The following regulations respecting the leasing of plantations within the limits of the Military Division of the Mississippi, and the management of the freedmen thereon, are published for the information and government of all concerned:

The rules adopted by Maj. Gen. N. P. Banks in the Department of the Gulf have, for the sake of uniformity, been taken as a basis, with such modifications as the experience of the past year has dictated as most beneficial to the interest of this section of the country.

The occupation of the plantations and employment of the freedmen, having been directed by the President of the United States, must be regarded as a settled policy of the Government, and it is the duty of all military commanders and troops to afford protection to the fullest extent to this most important interest whenever it can properly be done.

When steam-boats are employed by proper authority, transporting freedmen or supplies for plantations, such boats will not be taken possession of unless under an imperative necessity, and then only under the immediate order of the general in command of the department, corps, or district.

I. The enlistment of soldiers from plantations under cultivation in this department, having been suspended by order of the Government, will not be resumed except upon direction of the same high authority.

II. Provost-marshals shall be distributed at convenient points in the neighborhood of leased plantations, whose duty it shall be to see that justice and equity are observed in all relations between employers of freedmen and those employed, and to exercise such other police duties as shall be assigned to them by the district commanders appointing them. The districts over which they shall exercise these duties shall be called police districts.

III. Provision will be made for the establishment of a sufficient number of schools—one at least for each of the police districts—for the instruction of colored children under twelve years of age, which will be established by and placed under the direction of the superintendent of public education.

IV. Soldiers will not be allowed to visit plantations without the written consent of the commanding officer of the regiment or post to which they are attached, and never with arms, except when on duty, accompanied by an officer.

V. Plantation hands will not be allowed to pass from one place to another, except under such regulations as may be established by the provost-marshal of the police district.

VI. Flogging and other cruel or unusual punishment are interdicted.

VII. Planters will be required as early as practicable after the publication of these regulations to make a roll of persons employed

upon their estates, and to transmit the same to the provost-marshal of the district. In the employment of hands the unity of families will be secured as far as possible.

VIII. All questions between the employer and the employed, until other tribunals are established, will be decided by the provost-marshal of the police district, subject to appeal to the higher authorities.

IX. Sick and disabled persons will be provided for on the plantations to which they belong, except such as may be received in establishments provided for them by the Government at the freedmen's home farms, which establishments shall be under the exclusive control and direction of the respective superintendents thereof, and all commanders of military forces stationed thereon will see that all proper military protection is afforded, and will aid in carrying out the police regulations thereof as desired by the superintendents.

X. The unauthorized purchase of clothing or other property from laborers will be punished by fine and imprisonment. The sale of whisky or other intoxicating drinks to them or other persons, except under regulations established by the commander of the district, will be followed by the severest punishment.

XI. The possession of arms or concealed or dangerous weapons, without authority, will be punished by fine and imprisonment.

XII. Laborers shall render to their employer, between daylight and dark, ten hours in summer and nine hours in winter, of respectful, honest, faithful labor, and receive therefor, in addition to just treatment, healthy rations, comfortable clothing, quarters, fuel, medical attendance, and instruction for children, wages per month as follows, payment of one-half of which, at least, shall be reserved until the end of the year, and lessees will discourage all payment of monthly wages as far as it can be done without discontent, and reserve the same as above stated: The minimum wages for males over fourteen years of age, and competent to do a well man's work, \$10 per month; for females over fourteen years of age, and competent to do a well woman's work, \$7 per month; children from twelve to fourteen years of age, inclusive, and of those too feeble to earn full wages, half the above amounts will be paid, or a specified amount to be agreed upon by the employer and the employed, subject to the approval of the superintendent of the freedmen's home farm nearest thereto. Engineers and foremen, when faithful in the discharge of their duties, will be paid such additional sums as shall be agreed upon and approved by the proper home farm superintendent. This schedule of wages may be commuted by agreement between the employer and the employes, subject to approval as above. Wages will be deducted in case of sickness, and rations also when sickness is feigned. Indolence, insolence, disobedience of orders, and crime will be suppressed by forfeiture of pay—such forfeitures to go to the fund for the support of the helpless freed people—and such punishments as are provided for similar offenses by Army Regulations. Sunday work will be avoided when practicable, but when necessary will be considered as extra labor, and paid at the rates specified herein.

XIII. When laborers are furnished with employment they will be held to their engagement for one year, under the protection of the Government. In cases of attempted imposition, by feigning sickness or stubborn refusal of duty, they will be turned over to the provost-marshal of the police districts for labor upon the public works without pay.

XIV. Laborers will be permitted to cultivate land on private account, as shall be agreed between them and the employers, subject to the approval of the provost-marshal of the district. The encouragement of independent industry will strengthen all the advantages which capital derives from labor, and enable the laborer to take care of himself and prepare for the time when he can render so much labor for so much money, which is the great end to be attained.

XV. To protect the laborer from possible imposition no commutation of his supplies will be allowed, except in clothing, which may be commuted at the rate of \$3 per month. The crops will stand pledged, wherever found, for the wages of labor.

XVI. It is advised, as far as practicable, that employers provide for the current wants of their hands by perquisites for extra labor or by appropriation of land for share cultivation.

XVII. A free labor bank will be established for the safe deposit of all accumulations of wages and other savings; and in order to avoid a possible wrong to depositors, by official defalcation, authority will be asked to connect the bank with a treasury of the United States in the Military Division of the Mississippi.

XVIII. The rules and regulations of the supervising special agent of the Treasury Department dated January 7, 1864, and the terms and conditions of all contracts made in pursuance thereof for leasing abandoned plantations and employing freedmen, are hereby approved, except as to the classification and compensation of hands, and as to police matters, which shall be as herein provided.

XIX. The last year's experience shows that the planter and the negro comprehend the revolution. The overseer, having little interest in capital and less sympathy with labor, dislikes the trouble of thinking, and discredits the notion that anything new has occurred. He is a relic of the past and adheres to its customs. His stubborn refusal to comprehend the condition of things occasioned most of the troubles of the past year. Where such incomprehension is chronic, reduced wages, diminished rations, and the mild punishments imposed by the Army and Navy will do good.

XX. These regulations are based upon the assumption that labor is a public duty and idleness and vagrancy a crime. No civil or military officer of the Government is exempt from the operation of this universal rule. Every enlightened community has enforced it upon all classes of people by the severest penalties. It is especially necessary in agricultural pursuits. That portion of the people identified with the cultivation of the soil, however changed in condition by the revolution through which we are passing, is not relieved from the necessity of toil, which is the condition of existence with all the children of God. The revolution has altered its tenure, but not its law. This universal law of labor will be enforced upon just terms by the Government, under whose protection the laborer rests secure in his rights. Indolence, disorder, and crime will be suppressed. Having exercised the highest right in the choice and place of employment, he must be held to the fulfillment of his engagements until released therefrom by the Government. The several provost-m Marshals are hereby invested with plenary powers upon all matters connected with labor, subject to the approval of the commanding officer of the district. The most faithful and discreet officers will be selected for this duty, and the largest force consistent with the public service detailed for their assistance.

XXI. Employers, and especially overseers, are notified that undue influence used to move the marshal from his just balance between the

parties representing labor and capital will result in immediate change of officers, and thus defeat that regular and stable system upon which the interests of all parties depend.

XXII. Successful industry is especially necessary at the present time, when large public debts and onerous taxes are imposed to maintain and protect the liberties of the people and the integrity of the Union. All officers, civil or military, and all classes of citizens who assist in extending the profits of labor and increasing the products of the soil, upon which in the end all national prosperity and power depend, will render to the Government a service as great as that derived from the terrible sacrifices of battle. It is upon such consideration only that the planter is entitled to favor. The Government has accorded to him, in a period of anarchy, a release from the disorders resulting mainly from insensate and mad resistance to sensible reforms, which can never be rejected without revolution, and the criminal surrender of his interests and power to crazy politicians, who thought by metaphysical abstractions to circumvent the laws of God. It has restored to him in improved, rather than impaired, condition his due privileges, at a moment when, by his own acts, the very soil was washed from beneath his feet.

XXIII. A mere majestic and wise clemency history does not exhibit. The liberal and just conditions that attend it cannot be disregarded. It protects labor by enforcing the performance of its duty, and it will assist capital by compelling just contributions to the demands of the Government. Those who profess allegiance to other governments will be required, as the condition of residence in the Military Division of the Mississippi, to acquiesce, without reservation, in the demands presented by Government as a basis of permanent peace. The non-cultivation of the soil, without just reason, will be followed by temporary forfeiture to those who will secure its improvement. Those who have exercised or are entitled to the rights of citizens of the United States will be required to participate in the measures necessary for the re-establishment of civil government. War can never cease except as civil governments crush out contest and secure the supremacy of moral over physical power. The yellow harvest must wave over the crimson field of blood and the representatives of the people displace the agents of purely military power.

XXIV. It is therefore a solemn duty resting upon all persons to assist in the earliest possible restoration of civil government. Let them participate in the measures suggested for this purpose. Opinion is free and candidates are numerous. Open hostility cannot be permitted. Indifference will be treated as crime and faction as treason. Men who refuse to defend their country with the ballot-box or cartridge-box have no just claim to the benefits of liberty regulated by law. All people not exempt by the law of nations, who seek the protection of the Government, are called upon to take the oath of allegiance in such form as may be prescribed, sacrificing to the public good and the restoration of public peace whatever scruples may be suggested by incidental considerations. The oath of allegiance, administered and received in good faith, is the best of unconditional fealty to the Government and all its measures, and cannot be materially strengthened or impaired by the language in which it is clothed.

XXV. The amnesty offered for the past is conditioned upon an unreserved loyalty for the future, and this condition will be enforced with an iron hand. Whoever is indifferent or hostile must choose between the liberty which foreign lands afford, the poverty of the

rebel States, and the innumerable and inappreciable blessings which our Government confers upon its people.

May God preserve the Union of the States!

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

GENERAL ORDERS, } HQRS. DEPARTMENT OF THE GULF,
No. 35. } New Orleans, March 11, 1864.

I. An election will be held on Monday, the 28th day of March, at 9 a. m., in each of the election precincts established by law in this State, for the choice of delegates to a convention to be held for the revision and amendment of the constitution of Louisiana.

II. The several parishes shall be entitled to elect the number of delegates herein assigned to each, upon the basis of white population exhibited by the census of 1860, to be chosen in each parish on one ticket by the qualified voters of the parish, except in the parish of Orleans, in which parish the election shall be held in the several representative districts established by law, for the number of delegates herein assigned to each district, to be chosen on one ticket, by the qualified voters of the district, as follows, viz:

Parishes.	White population.	Number of delegates.
Ascension	3,910	2
Assumption	7,189	3
Avoynes	5,908	2
Baton Rouge, East	6,944	3
Baton Rouge, West	1,860	1
Billeville	5,000	2
Bossier	3,348	1
Caddo	4,793	2
Calcasieu	4,452	2
Caldwell	2,888	1
Carroll	4,124	2
Catahoula	5,402	3
Claiborne	8,000	4
Concordia	1,242	1
De Soto	4,777	2
Foliciana, East	4,081	2
Foliciana, West	2,030	1
Franklin	2,768	1
Iberville	3,703	2
Jackson	5,367	2
Jefferson	9,905	4
Lafayette	4,309	2
Lafourche	7,500	3
Livingston	3,120	1
Madison	1,640	1
Morochouse	3,784	2
Natchitoches	0,306	3
Orleans	140,008	7
First Representative District		7
Second Representative District		11
Third Representative District		0
Fourth Representative District		5
Fifth Representative District		6
Sixth Representative District		4
Seventh Representative District		4
Eighth Representative District		3
Ninth Representative District		3
Tenth Representative District		10
Right Bank (Algiers)		2
Onachita		1
Plaquemine	1,887	1
Pointe Coupée	2,605	1
Rapides	4,084	2
	9,711	4

Parishes.	White pop- ulation.	Number of delegates.
Sabine	4, 115	2
Saint Bernard	1, 771	1
Saint Charles	938	1
Saint Helena	3, 413	1
Saint James	3, 348	1
Saint John Baptist	3, 037	1
Saint Landry	10, 703	4
Saint Martin's	5, 005	2
Saint Mary's	3, 508	1
Saint Tammany	3, 153	1
Tensas	1, 470	1
Terrebonne	5, 234	2
Union	0, 611	0
Vermillion	3, 001	1
Washington	2, 000	2
Winn	5, 481	2
Total	357, 020	152

III. Any parish not new within the lines of the army shall be entitled to elect delegates as herein specified, at any time before the dissolution of the convention, should such parish be brought within the lines of the army.

IV. Every free white male twenty-one years of age, who has been a resident of the State twelve months, and six months in the parish in which he offers to vote, who is a citizen of the United States, and who shall have taken the oath prescribed by the President in his proclamation of the 8th of December, 1863, shall have the right to vote in the election of delegates.

V. Citizens of the State who have been expelled from their homes by the public enemy on account of their devotion to the Union, and who would be qualified voters in the parishes to which they belong, will be allowed to vote for delegates in the election precincts in which, for the time being, they may reside.

VI. Citizens of the State who have volunteered for the defense of the country in the Army or Navy, and who are otherwise qualified voters, will be allowed to vote in the election precincts in which they may be found on the day of election.

VII. The commissioners of election appointed to superintend the polls at the election of State officers February 22, 1864, are authorized and directed, in the absence of other orders, to fulfill and discharge all the duties of commissioners of election in their respective precincts for this election.

VIII. The commissioners of election at any election precinct are authorized to administer the oath of allegiance, as prescribed by the President, to any person otherwise qualified to vote, and to register the name of such voter in New Orleans, where a register is required, or to receive it in other parishes where no register is required, at any time before the polls are closed on the day of election.

IX. The commissioners in the several parishes will make prompt returns of the votes given to the sheriff of the parish, as provided by law, or in his absence to the provost-marshal, who will immediately return the same to the Secretary of State, in the same manner and form as for members of the General Assembly.

X. The sheriffs of the several parishes, and in their absence the provost-marshals, will take especial care that the polls are properly

opened, and that suitable judges of election and other officers are appointed. It is desirable that all persons properly qualified should vote, but it is more important that the integrity of the election should not be vitiated by illegal or fraudulent acts.

XI. The delegates duly elected to the convention shall meet at Liberty Hall, Executive Building, in the city of New Orleans, at 12 noon on Wednesday, the 6th day of April, 1864. In case any vacancy occurs, by resignation or death, after the organization of the convention, a writ of election shall be issued by the convention to fill the vacancy.

By command of Major-General Banks:

RICHARD B. IRWIN,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, March 11, 1864.

Governor SAMUEL CONY,
Augusta, Me.:

Your telegram of the 25th February was referred to the Provost Marshal-General for report, which has just been received. The orders of the Department are explicit that no soldiers shall be enlisted and receive bounty as veterans who have not served two years. The act of Congress, moreover, only authorizes the payment of bounty to those who are enlisted in accordance with the regulations of the Department. Unauthorized engagements by officers in the field elsewhere will not be recognized by the service. To recognize the same would prove an abuse of great magnitude.

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 98. } *Washington, March 12, 1864.*

The President of the United States orders as follows:

I. Maj. Gen. H. W. Halleck is, at his own request, relieved from duty as General-in-Chief of the Army, and Lieut. Gen. U. S. Grant assigned to the command of the Armies of the United States. The Headquarters of the Army will be in Washington, and also with Lieutenant-General Grant in the field.

II. Maj. Gen. H. W. Halleck is assigned to duty in Washington as chief of staff of the Army, under the direction of the Secretary of War and the lieutenant-general commanding. His orders will be obeyed and respected accordingly.

* * * * *

V. In relieving Major-General Halleck from duty as General-in-Chief the President desires to express his approbation and thank for the able and zealous manner in which the arduous and responsible duties of that position have been performed.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

Unsigned memorandum indorsed by Secretary of War as "General Halleck's report."

The campaign of 1863 had virtually closed at the date of my last annual report, and military operations during the winter and previous to the appointment of Lieutenant-General Grant to the general command were confined, in most of the departments, to making and repelling raids with unimportant results to either party. In the early part of November Brigadier-General Averell encountered and defeated a rebel force at Droop Mountain, near Lewisburg, capturing a piece of artillery and about 100 prisoners. Our loss was 129 killed, wounded, and missing. The reported loss of the enemy, killed and wounded, about 250. In another cavalry raid to Salem in December General Averell destroyed a large quantity of rebel stores with slight losses on both sides in killed and wounded. The rebels made several attempts during the winter to destroy the Baltimore and Ohio Railroad, but caused very little damage.

In February Brigadier-General Seymour undertook an expedition into Florida, but was defeated on the 20th at Olustee. The details of this expedition have been published by Congress.

Maj. Gen. William T. Sherman in February last made an expedition from Vicksburg across the State of Mississippi, destroying a large extent of railroads and a great amount of rolling-stock and public stores. His loss was only 170 in killed, wounded, and missing, while he brought in some 400 prisoners of war, 3,000 animals, 1,000 white and 5,000 colored refugees. In this and the co-operating expedition, under Brig. Gen. W. Seely Smith, 140 miles of railroad were destroyed.

In the early part of November General Banks sent an expedition to the coast of Texas, which captured and occupied Brownsville, Corpus Christi, Aransas, &c. On the 3d of November Brigadier-General Burbridge had a severe engagement with the enemy at Bayou Bourbeux, La., in which he lost 716 men. On the arrival of reinforcements, under Brigadier-General Cameron, the rebels retreated. From this time until the early part of March General Banks was preparing his forces for an expedition up Red River, in which he was to have had the co-operation of General Sherman after his return to Vicksburg.

Near the end of November General Meade crossed the Rapidan and made an unsuccessful attempt to turn the enemy's intrenched position on Mine Run. The only other operation of the Army of the Potomac during the winter was an unsuccessful cavalry raid by Brigadier-Generals Kilpatrick and Custor about the 1st of March upon Richmond. Our loss in this expedition was about 400 killed, wounded, and missing. Among the first was Colonel Dahlgren, an officer of much promise. Our loss in the affair of Mine Run, 1,601 in all.

The remaining military operations of this year are given in the report of the lieutenant-general.

STATE HOUSE,
Augusta, Me., March 12, 1864.

Col. J. B. FRY:

In crediting enlisted men in the Navy to the several States, under recent act of Congress, cannot some plan be adopted which will give

States and localities their proper credits? This cannot be done if place of enlistment is taken as the place of credit, for, while Massachusetts, from her extended sea-board, a large proportion of seamen in the Navy which should be credited to her, many of these enlisted in Boston, New York, or large places out of the State. Would not place of birth, except in case of alienage, be the most reliable & equitable basis of credit?

JOHN L. HODSDON,
Adjutant-General

HDQRS. ACTG. ASST. PROV. MAR. GEN., STATE OF KENTUCKY,
Louisville, Ky., March 13, 1864

Col. J. B. FRY,
Provost-Marshal-General, Washington, D. C.:

COLONEL: I think it proper to make mention to you of a speech delivered at Lexington on Thursday last, 10th instant, by Colonel Wofford, First Kentucky Cavalry, another of the same kind having been previously delivered by him at Danville, which, no doubt, will have an evil effect on the enrollment and draft—particularly on the enrollment of negroes now in progress.

Colonel Wofford's speech, I am credibly informed, denounced the President and his Administration, and even went so far as to countenance forcible resistance to the enrollment of negroes under the present act of Congress. Governor Bramlette was on the stage at the time of the delivery of Colonel Wofford's speech, and gave no evidence of dissent then or subsequently. There is some reason for supposing that I know what its purport would be before the delivery, for Colonel Wofford's views were well known, and he had exhibited them only a few days previously at Danville.

The assistant adjutant-general of General Schofield at Lexington, Capt. J. Bates Dickson, issued an order for the arrest of Colonel Wofford as soon as informed of the character of the speech, and the case stands.

Captain Dickson writes me that there is much excitement in Lexington, and I do not doubt that it will extend throughout the State. It is not improbable that Colonel Wofford and others of his school are willing that it shall be so, and will aid to create it by their speeches. Although they may not sympathize with the rebellion, the State is filled with such as do, some of these being returned rebels who have been received on too easy terms; others—by far the greater number—such as will not volunteer. In fact, so many volunteers have been drawn from the State that the great mass of able-bodied men who remain are unreliable.

To-day the colonel of a veteran Kentucky regiment, returned from furlough and on its way to the front, informed me that the bad spirit had even appeared in his regiment, and suggested that it would extend to the other Kentucky regiments.

I believe myself that the Kentucky soldiers are really indifferent to the question of enrolling negroes, but that they will always conform to what Kentucky leaders seek to do in the name of Kentucky. It is a sweet privilege to coerce the superior power of the Nation, however mean it may be to take advantage of its dire necessity. Public opinion, however, grows very fast in the State, and the chief hope of the disaffected is in the short time for the enrollment. Unfortunatel

there is no really loyal newspaper in the State, so that no means exist to set forth loyal views.

A short article which I prepared—nothing but a summary of section 24 of the act of February 25, without a word of comment—was refused publication in the *Louisville Journal* on the ground that it would tend to break the peace, though the editor was willing to publish the section itself, and General Boyle, late commander of the District of Kentucky, upheld him in his refusal. To-morrow, 14th instant, I will send, as you direct, my report of the progress of the enrollment, though I think little more will appear than reports of refusals of enrolling officers to act and appointments of others in their places. My chief apprehension in the whole matter is that the dissatisfaction created by these rash leaders on this one subject will introduce unwillingness for cordial co-operation in other matters, *i. e.*, the draft, independently of the negroes.

I inclose a slip from the telegraphic column of the *Louisville Journal* of to-day. I should not omit to say that Brig. Gen. S. G. Burbridge, now in command of the District of Kentucky, is firm in his determination to use all the force at his control in carrying out the law. He has ordered one company to the headquarters of each of the district provost-marshals (except First District, not in his command), and made them subject to the provost-marshal's orders.

I regret, however, to hear the rumor that General Burbridge is to be relieved.

I am, colonel, respectfully, your obedient servant,

W. H. SHIBEL,

Major 15th U. S. Infy., Actg. Asst. Provost-Marshal-General.

(Inclosure.)

FRANKFORT, *March 12.*

TO THE ASSOCIATED PRESS:

It is understood that Governor Bramlette has addressed an earnest remonstrance to the President in regard to the enrollment and enlistment of slaves in Kentucky, and has notified the President that he will execute the laws of Kentucky against all who attempt to take slaves from their owners without their consent.

He claims that Kentucky has furnished 50,000 of her sons to defend the Government, and is willing to furnish still more—all that may be allotted to her; that she has proven her loyalty, and must be regarded as such, and her laws, constitutionally enacted, must be respected.

DANVILLE, KY., *March 13, 1864.*

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES:

SIR: I have just written a letter to my personal friend, Governor Bramlette, who, I learn, has sent a dispatch to the provost-marshal in this place, ordering him to desist from the enrollment of the negroes; begging him not to bring the State government into conflict with the Federal authorities in this eventful proceeding.

While I am satisfied that any unwise conflict of authority exercised by Governor Bramlette would meet the decided condemnation of a majority—I hope and believe of a large majority of those who elevated him to office—yet, I take the liberty, as a loyal citizen, and one who intends to continue so under all contingencies, happen what may, to

entreat Your Excellency to forbear the enforcement of the law in Kentucky.

It is eminently distasteful and obnoxious to the feelings of the loyal people of the State, and there is no small danger of inducing an outbreak of a portion of our loyal people, and thus creating a conflict between the Federal and State authorities.

Are such evils and dangers as those to be incurred by the few frightened and unwilling soldiers to be obtained from the negroes?

Permit me to suggest to Your Excellency this course:—that our State should raise as many white troops in addition as would be drafted from the black population, according to a fair estimate to be made of that part of population. This, I think, would bring the matter to a pause. If they should accept the proposition, the Government would receive the additional number of white soldiers from the black population, which would certainly be satisfactory. If declined, it would lead the mass of our people to believe that it is better to furnish a portion of the troops necessary to the Government from our black population than to subject the white population to repeated drafts.

I am inclined, also, to think that if \$300 were paid for each slave it would quiet opposition. I beseech Your Excellency not to hurry forward this enrollment—not by exciting the unwise part of our people to any act of insubordination to the Government.

Permit me further to suggest that you would cause General Fremont and himself to be removed immediately from the command. He has been making some silly speeches, or portions of his speech is loyal in the highest degree. He is a brave and faithful officer, and if sent out of the State to be so. What prompts his present course I can't divine. It is only silly vanity and fondness to hear himself talk, and to receive the temporary applause of silly people.

With the highest respect, I am, your obedient servant,
J.

WAR DEPT., PROVOST-MARSHAL-GENERAL,
Washington, D. C., 21

General HODSDON,
Adjutant-General of Maine, Augusta, Me.:

The law requires men enlisting in Navy to be enrolled where they are liable to enrollment and military enrollment act.

Necessary forms and instructions have been sent to the Department to be issued to naval recruiting officers.

JAMES
Provost-Marshal

VICKSBURG, MISS., 21

Hon. E. M. STANTON,
Secretary of War:

After full consultation with Mr. Mellen I have the honor to respect the plantations and the employment of free

satisfactory to him, and will be so to the lessees. With the military protection I shall be able to afford I think the system will work well. The order of promulgation will be forwarded as soon as a copy can be obtained from the printer.* Lake Providence, Goodrich's Landing, and Milliken's Bend, in Louisiana, and Skipwith's Landing, in Mississippi, I propose to occupy with troops. I shall also strengthen Vidalia, opposite Natchez, and endeavor to put a force near Lake Saint Joseph, La. Negroes brought in by the Sherman expedition will about fill the regiments at this place and in its immediate vicinity, of which there are eleven regiments and two light batteries. I shall be able in a few days to arrange my business here, and will then proceed to Natchez and New Orleans, where my presence is necessary.

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 14, 1864.

ADJUTANT-GENERAL OF IOWA,
Davenport, Iowa.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant in reference to the credits to the State of Iowa. In reply I am directed to inform you that the State has been credited with 992 men additional in Missouri regiments. Under the rulings of the Department the change of credit of the eighty-three men of Company A, Eleventh Pennsylvania Cavalry, cannot be made in favor of Iowa without the claim being first adjusted between the Governor of Iowa and the Governor of Pennsylvania, the men having already been credited to the latter State. The credits made the State for musters therein during the months of January and February have already been communicated to His Excellency the Governor. No credits of re-enlisted veterans have yet been made to the State, as it is desirable before acting to get complete reports from mustering officers in the field. So soon as the credits of said troops are made due notification will be given you.

I have the honor to remain, your obedient servant,
THOMAS M. VINCENT,
Assistant Adjutant-General.

INQRS. ACTG. ASST. PROV. MAR. GEN., STATE OF KENTUCKY,
Louisville, Ky., March 14, 1864.
Col. JAMES B. FRY,
Provost-Marshal-General, Washington, D. C.

COLONEL: In obedience to your telegraphic order of the 9th instant directing me to report on the 14th, 20th, and 25th of this month the progress and completion of the enrollment of slaves in this State, I have the honor to state that circulars were addressed promptly to the several provost-marshals of districts to report to me the necessary information. In the cases of the most distant districts there has not been sufficient time for replies from them, and I make up the information from the general returns.

* See Orders No. 9, March 11, p. 100.

First District.—Captain Hall, of First District, reports, under date of the 10th instant, referring also to his of the 8th, that, his district being in the Department of the Tennessee, a regiment of blacks has been organizing for the last two months, and that the feeling against it is very strong, so that he had at that date found it very difficult to get enrolling officers. Also that the district is overrun with guerillas, which increases the difficulty of obtaining these officers. He asks a strong cavalry force to aid him. He states that all necessary orders have been issued to his deputies, and that the Board of this district will not shrink from doing their utmost to carry out their orders; nevertheless, it is his opinion, and that also of all the best Union men, that the enrollment cannot be carried out (in time).

Second District.—No report whatever on the subject of the enrollment has come in from Captain Grissom, provost-marshal of this district.

Third District.—Captain Hebson reports March 10 that he is making every effort to enroll the blacks, but fears it cannot be done in the time specified. New officers will have to be obtained in many cases to replace the old, who, either from fear or dissent, will not undertake the work. In the first sub-district, Warren County, it was not until the 9th instant that he could get an enrolling officer. In second sub-district, Logan County, three enrolling officers decline, and others to supply their places must yet be sought and a military force sent to protect them. In third sub-district, Todd County, two have declined, and the others not reported. In the fourth sub-district, Simpson County, one declined, but his place is filled. A military force has been detailed for this county. In the fifth, Allen County, new appointments have been made. Guerrillas interrupt operations. In the sixth, Hart County, one declined, and his place will be filled. The seventh, Metcalfe County, has not been heard from, and the eighth, Russell County, the same. In the ninth, Barren County, one only is known to have declined, but it is supposed this will be general and new appointments will have to be made. In the tenth sub-district, Monroe County, the eleventh, Cumberland, and the twelfth, Clinton, the officers will all serve, but nothing is known as yet of their operations. Force will be necessary in these last-named sub-districts. This was the condition of things in the Third District on 10th instant, since which nothing has been reported, excepting in general the opposition of opinion to the measure of enrolling the blacks.

Fourth District.—Captain Fidler, provost-marshal, Fourth District, reports to-day, 14th instant, enrolling officers are at work in the counties of Shelby, Meade, and Anderson. No official report has been received from the deputies in the other counties (eleven) of the district, but have reason to believe that in most of them enrolling officers are at work. In Marion, Nelson, and Spencer Counties, however, no enrolling officers willing to do the work have yet been obtained. Nelson County is peculiarly difficult, and force will be required even to serve notices after the draft independently of any consideration of the negroes.

Fifth District.—Report of Capt. G. W. Womack, provost-marshal, Fifth District, this date, 14th instant, states that no progress in actual enrollment has been made. It is very difficult to procure the proper persons to make the enrollment, and the Board determined to be very careful in those selections and get the most suitable men and those least objectionable to the people. Every effort is being made to forward the business.

Sixth District.—Capt. G. W. Berry, provost-marshal, Sixth District, reports that he has appointed enrolling officers for all the counties of his district, excepting Trimble and part of Kenton, but finds it very difficult to get persons to accept.

Seventh District.—Capt. T. H. Meare, provost-marshal, Seventh District, writes under dates of 8th, 10th, and 11th instant of the difficulty of procuring enrolling officers. The enrollment has begun in Bourbon, Jessamine, Fayette, and Scott Counties. Nothing further is known.

Eighth and Ninth Districts.—From these no reports have been received, the headquarters being too distant for reply to my circular letter up to this time. It will be seen that all the provost-marshals and almost all the deputies are well disposed to the work, while objection is made by such as are to do the enrolling, for very evident reasons.

All the provost-marshals speak of the necessity for military force, and the measures taken in this matter are as follows:

Immediately after receipt of your telegram of the 3d instant, directing me to inform General Schofield of the time and places of the draft, I wrote him, giving this information in detail and asking for the necessary force, to which I have as yet received no response, perhaps by reason of the time for the draft being deferred. I observe here that a portion of Kentucky east of the Tennessee River, being a part of the First District in the Department of the Tennessee, and therefore beyond General Schofield's command. But before your order to write to General Schofield I had already written to General Burbridge, commanding District of Kentucky, to the same effect; also to Brig. Gen. Hugh T. Reid, in command at Columbus, Ky., of District of Cairo. General Burbridge has accordingly placed one company of mounted infantry at headquarters of each provost-marshal, to be under their orders, excepting the First District, Paducah being in Department of the Tennessee. General Reid replies, indicating willingness, but states that the troops at his disposal are hardly of fit character. I answered, asking him to do his best. The First District is unfortunately divided between the Department of the Ohio and Tennessee. But previously to all this correspondence, and as far back as last November, General Boyle, then commanding District of Kentucky, issued his Order No. 62 (copy inclosed*) at my solicitation, which order is still in force and gives provost-marshals and deputies a right to call for the services of any troops of his command. I inclosed a copy of this order when first issued to each provost-marshal, as General Boyle did to his officers, but I doubt if it was of much effect, and therefore I count but little on it now.

I have the honor to be, colonel, your obedient servant,
W. H. SIDELL,

Major Fifteenth U. S. Infly., A. A. P. M. G. for Kentucky.

OFFICE ACTG. ASST. PROV. MAR. GEN. FOR MD. AND DEL.,
Baltimore, March 14, 1864.

[Col. J. B. FREY:]

COLONEL: I have the honor to report, in pursuance of your instructions of the 9th instant, of the progress of the enrollment of slaves in the several districts of Maryland, to wit:

Enrolling officers have been procured in all of the counties of the

* Omitted.

First District and the enrollment is progressing, except in Queen Anne County, where the provost-marshal has been unable to obtain the services of any one, and asks that he be furnished with a military force sufficient to make the enrollment.

I have deemed it advisable not to employ the military for this purpose, and have directed that enrolling officers be obtained from the adjoining counties.

Great difficulty was experienced in obtaining enrolling officers in the Second District, but they have been procured and the enrollment is being made throughout the district.

In the Third District enrolling officers were readily obtained, and the enrollment in the first, fourth, and sixth sub-districts has been completed, and the remaining sub-districts will be at an early day.

Enrolling officers are at work in all of the sub-districts in the Fourth District, and there is a promise of a speedy enrollment of that district.

The provost-marshal of the Fifth District reports that he experienced considerable difficulty in procuring enrolling officers in his district; but that the enrollment is in progress in all of the counties. I shall be able, I trust, to report more in detail in my next report.

I have exerted every effort to have the enrollment of the slave promptly and properly made.

I am, colonel, very respectfully, your obedient servant,

N. L. JEFFRIES,

Colonel and Acting Assistant Provost-Marshal-General.

COLUMBUS, March 14, 1864.

Hon. E. M. STANTON,

Secretary of War, Washington City, D. C.

SIR: In your general remark to the Senate that State executives were pressing the extension of bounties, I hope you made a mental reservation in favor of your servant. I have favored the draft steadily from the day the proclamation ordering it on the 10th was issued. The result of this last postponement has fulfilled my prediction to the President. Recruiting has virtually stopped. The bounties even will not tempt, and the local authorities and citizens, having the fear of the draft removed, are making no further effort to fill quotas. They regard the postponement of the draft as indefinite, both because of the recruiting and because, as they say, "Ohio is so near being out she will not be drafted, even if a draft is ordered." We shall do very little more in this State until our people realize that a draft will be had on a fixed day, and that promise must be kept. I favor a draft for another consideration: I regard our financial position as rapidly becoming the most critical one connected with the war. With every man we put into the Army costing us over \$800; we are amassing a debt and corresponding taxation that will soon force us to resort to the same means as the Confederacy to get rid of it, except that in our case such a measure will be our destruction. If the call is to be filled, let us have the draft on the 1st of April.

Yours, very truly,

JOHN BROUGH.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 100, } Washington, March 15, 1864.

ADDITIONAL DRAFT OF 200,000 MEN.

The following is an order by the President of the United States:

EXECUTIVE MANSION,
Washington, March 14, 1864.

In order to supply the force required to be drafted for the Navy, and to provide an adequate reserve force for all contingencies, in addition to the 500,000 men called for February 1, 1864, a call is hereby made and a draft ordered for 200,000 men for the military service (Army, Navy, and Marine Corps) of the United States.*

The proportional quotas for the different wards, towns, townships, precincts, or election districts, or counties, will be made known through the Provost-Marshal-General's Bureau, and account will be taken of the credits and deficiencies on former quotas.

The 15th day of April, 1864, is designated as the time up to which the numbers required from each ward of a city, town, &c., may be raised by voluntary enlistment, and drafts will be made in each ward of a city, town, &c., which shall not have filled the quota assigned to it within the time designated for the number required to fill said quotas. The drafts will be commenced as soon after the 15th of April as practicable.

The Government bounties, as now paid, continue until April 1, 1864, at which time the additional bounties cease. On and after that date \$100 bounty only will be paid, as provided by the act approved July 22, 1861.

ABRAHAM LINCOLN.

Official:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 103. } Washington, March 15, 1864.

PAY OF OFFICERS RESIGNING OR DISMISSED.

1. An officer on leave who resigns will be paid to the date given in the acceptance of his resignation.
2. An officer on duty who resigns will be paid to the date at which he received notice of the acceptance of his resignation, provided he continued on duty till that time; otherwise to the date when he was relieved from duty.
3. An officer on leave when he is dropped or dismissed from the military service will be paid to the date, inclusive, of the order dropping or dismissing him, provided no other time be specified in the order as the date when his pay should cease, or when he ceased to be an officer, and, in such case, to the date so specified.

* Under this call the quotas and credits were as follows, the first number indicating the quota, and the second the number of men furnished: Maine, 4,721; 7,942. New Hampshire, 2,558; 2,844. Vermont, 2,000; 1,001. Massachusetts, 10,900; 17,322. Rhode Island, 1,338; 1,900. Connecticut, 3,108; 5,204. New York, 32,704; 41,940. New Jersey, 6,704; 9,550. Pennsylvania, 25,003; 35,080. Delaware, 985; 652. Maryland, 4,817; 9,305. District of Columbia, 1,702; 1,142. West Virginia, 2,051; 3,857. Kentucky, 5,780; 6,448. Ohio, 20,505; 31,193. Michigan, 7,821; 7,344. Indiana, 13,009; 14,802. Illinois, 18,524; 25,055. Missouri, 3,925; 10,187 (includes militia furnished for six months, 5,079; for nine months, 2,311; for one year, 1,954—credited as 2,174 three-years' men). Wisconsin, 7,041; 10,314. Iowa, 9,439; 11,579. Minnesota, 2,180; 2,409. Kansas, 1,409; 2,503. Making a grand total of 259,515 men furnished.

4. An officer on duty or in hospital when he is dropped or dismissed from the military service will be paid to the date at which the order dropping or dismissing him was received at his post or hospital, if no other time be specified in the order as the date when he ceased to be an officer, and, in such case, to the date so specified.

5. An officer dismissed by sentence of court-martial will be paid to the date when the order approving the sentence was received at the post where the officer was, if no other time be specified in the sentence, or in the order promulgating it, as the termination of his service and pay.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, D. C., March 15, 1864.

His Excellency MICHAEL HAHN,
Governor of Louisiana:

Until further orders you are hereby invested with the powers exercised hitherto by the Military Governor of Louisiana.

Truly, yours,

ABRAHAM LINCOLN.

Copy of commission of General Shepley and of instructions to him of June 3, 1862, sent in original of this to Governor Hahn March 16, 1864.

E. D. T.

EXECUTIVE DEPARTMENT,
Indianapolis, March 15, 1864.

To the PEOPLE OF INDIANA:

On the 14th day of September, 1863, a settlement was effected between the War Department and Indiana for the number of men furnished by the State, of which the following is a copy:

WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., September 14, 1863.

His Excellency OLIVER P. MORTON,
Governor State of Indiana, Indianapolis, Ind.:

SIR: I have the honor to inform you that the State of Indiana stands credited upon the books of the Adjutant-General of the Army with an excess of 23,501 over all the calls for troops in 1861, 1862, and 1863, up to the 4th day of June.

The quota of the State for the present draft is 23,833. The excess of troops heretofore furnished by it over the quota is 1,668. There will, therefore, be no draft in Indiana under the present call for troops, and the number of 1,668 will stand to its credit in the future demands of the General Government.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

On the 19th day of October, 1863, the President of the United States issued a proclamation calling for 300,000 volunteers. On the 21st day of October, 1863, I received a dispatch from the Secretary of War assigning the quota of Indiana under this call at 18,997 men. This quota was apportioned among the various counties of the State upon the basis of the settlement made between the State and the

War Department in September, taking into account the number of enlistments made between the date of the settlement and the apportionment of the quota as far as they could be ascertained.

On the 1st day of February, 1864, the President issued another call for 200,000 additional men. Adopting the ratio under call of October, 1863, the quota of Indiana under this call would be 12,665 men, which, added to the quota under the call of October, would be in the aggregate 31,662 men. Immediately after the last call was made Adjutant-General Noble visited Washington by my direction to effect a settlement between the State and War Department, if possible, and ascertain the number of men already furnished and the number that was still required from the State.

The War Department was not prepared to make the settlement or give the required information, and General Noble returned without accomplishing his mission. General Love returned from Washington last week, whither he had gone on the same business. He brought with him the adjustment, which will be found hereafter in the letter addressed to Colonel Baker, but as it was not officially furnished, and was subject to revision, no publication was made. Yesterday Colonel Baker, the assistant provost-marshal-general, received from Col. James B. Fry, Provost-Marshal-General, the following communication:

WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 10, 1864.

Col. CONRAD BAKER,
Acting Assistant Provost-Marshal-General, Indianapolis, Ind.

SIR: The quota of Indiana to fill the call of the President for 500,000 men is as follows:

First Congressional District	3,134
Second Congressional District	2,808
Third Congressional District	2,045
Fourth Congressional District	2,101
Fifth Congressional District	2,404
Sixth Congressional District	3,300
Seventh Congressional District	2,881
Eighth Congressional District	3,010
Ninth Congressional District	3,095
Tenth Congressional District	3,478
Eleventh Congressional District	3,340

The credit to the State for all men enlisted up to January 31, except veteran re-enlistments, is as follows:

First Congressional District	3,843
Second Congressional District	2,040
Third Congressional District	3,242
Fourth Congressional District	2,040
Fifth Congressional District	3,021
Sixth Congressional District	4,045
Seventh Congressional District	3,531
Eighth Congressional District	3,701
Ninth Congressional District	4,520
Tenth Congressional District	4,248
Eleventh Congressional District	4,102

The surplus of these credits over quotas and credits for all men enlisted from February 1 to April 1 will be carried to the credit of the districts and sub-districts on future calls.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

From this it will be seen that Indiana on the 1st day of February last had furnished her quota under all calls, and had an excess of 7,330 men not including re-enlisted veterans. To this excess is to be

added the number of men mustered into the old and new regiments since the 1st of February, and the number supposed to be enlisted not mustered in, and the number of re-enlisted veterans, in all estimated at 17,000 men, making the total excess about 24,000 men, which number will probably be largely increased by the 1st of April next.

The settlement made in September was not satisfactory, as I believed that full credit had not been given for recruits which had joined the army in the field, and that the original basis itself was incorrect. But I had no data, nor did it exist in the War Department, upon which to correct it. In the present adjustment it will be perceived that the September settlement is entirely ignored.

On the 1st day of March Colonel Baker received from the Provost-Marshal-General the following dispatch:

WASHINGTON, February 29, 1864.

Col. CONRAD BAKER,
Acting Assistant Provost-Marshal-General, Indianapolis:

Be fully prepared to commence the draft on March 10, and to make it in every sub-district which shall not have raised its quota before March 1. Volunteers between March 1 and 10 may be deducted after draft commences. Make known to Governor.

J. B. FRY,
Provost-Marshal-General.

On being furnished with a copy of this I sent the following dispatch to Colonel Fry:

INDIANAPOLIS, March 1, 1864.

Col. J. B. FRY,
Provost-Marshal-General, Washington City:

Colonel Baker has just shown me a dispatch in which he is required to commence the draft on the 10th of March in all sub-districts that have not furnished their quota. Are we to infer from this that sub-districts are to be drafted when the State in the aggregate has filled her quota?

O. P. MORTON,
Governor of Indiana.

To this I received the following answer:

WASHINGTON, March 2, 1864.

Governor O. P. MORTON,
Indianapolis:

Section 3, act approved February 24, 1864, requires the draft to be made in every sub-district which is deficient in its quota. Orders for draft will be given accordingly, without regard to the aggregate raised by the State at large.

JAMES B. FRY,
Provost-Marshal-General.

The third section of the act approved February 24, 1864, is in these words, to-wit:

SEC. 3. *And be it further enacted*, That if the quota shall not be filled within the time designated by the President, the provost-marshal of the district within which any ward of a city, town or township, precinct, or election district, or county where the same is not divided into wards, towns, townships, precincts, or election districts, which is deficient in its quota, is situated, shall, under the direction of the Provost-Marshal-General, make a draft for the number deficient therefrom; but all volunteers who may enlist after the draft shall have been ordered and before it shall be actually made, shall be deducted from the number ordered to be drafted in such ward, town, township, precinct, or election district, or county. And if the quota of any district shall not be filled by the draft made in accordance with the provisions of this act, and the act to which it is an amendment, further drafts shall be made, and like proceedings had until the quota of such district shall be filled.

According to the construction given to this section by Colonel Fry a draft would be made in every ward of a city or township in a

county that may not have furnished its quota, although the State in the aggregate may have furnished its quota and more. Whether this construction will be adhered to and acted upon by the Government I am unable to say. The adjutant-general is preparing for publication as rapidly as possible a statement of the number of men furnished by each county from the beginning of the war, including the proper credits for the re-enlisted veterans. The veterans are re-enlisted in the field, and the locality to which they are to be credited is determined by themselves at the time of re-enlistment, and put down upon rolls. The statement cannot, therefore, be completed until these rolls shall have been received. When we consider the great number of troops that have been furnished by the State for the prosecution of the war, the promptness with which they have responded to the calls of the Government, and the great and uniform gallantry they have displayed upon so many bloody fields, we may well be proud of the record which Indiana has made.

Since writing the above Colonel Baker has received the following dispatch:

WASHINGTON, March 15, 1864.

COL. CONRAD BAKER,
Acting Assistant Provost-Marshal-General:

The President of the United States has made a call for 200,000 men in addition to the call of February 1, 1864, for 500,000. The quota will be two-fifths of the quota of 500,000, subject to additions for deficiencies and deduction for excesses on that quota. As soon as practicable you will be informed of the number required for each district of your State. Notify the Governor immediately.

JAMES B. FREY,
Provost-Marshal-General.

Under this new call the quota of Indiana, according to the ratio adopted under the call of October last, will be 12,665, but according to the assignment in the letter addressed to Colonel Baker, above quoted, will be 13,008 men. The excess furnished by the State over former calls is almost double the quota under the last, yet it is not likely that under the operation of the section quoted from the act of February 24, 1864, as construed by the Provost-Marshal-General, the draft may fall upon a number of counties that have failed to do their part. As before stated, the liabilities and credits of each county will be given as soon as the necessary data can be procured in the adjutant-general's office, and when that has been done the quota of each county can be approximately distributed among the several townships or wards in cities.

O. P. MORTON,
Governor of Indiana.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 106. } Washington, March 16, 1864.

UNIFORM SYSTEM OF AMBULANCES.

The following act of Congress is published for the information and guidance of all concerned:

PUBLIC—No. 22.

AN ACT to establish a uniform system of ambulances in the States of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the medical director, or chief medical

officer, of each army corps shall, under the control of the medical director of the army to which such army corps belongs, have the direction and supervision of all ambulances, medicine, and other wagons, horses, mules, harness, and other fixtures appertaining thereto, and of all officers and men who may be detailed or employed to assist him in the management thereof, in the army corps in which he may be serving.

SEC. 2. *And be it further enacted*, That the commanding officer of each army corps shall detail officers and enlisted men for service in the ambulance corps of such army corps, upon the following basis, viz: one captain, who shall be commanding of said ambulance corps; one first lieutenant for each division in such army corps; one second lieutenant for each brigade in such army corps; one sergeant for each regiment in such army corps; three privates for each ambulance, and one private for each wagon; and the officers and non-commissioned officers of the ambulance corps shall be mounted; *Provided*, That the officers, non-commissioned officers, and privates so detailed for each army corps shall be examined by a board of medical officers of such army corps as to their fitness for such duty; and that such as are found to be not qualified shall be rejected, and others detailed in their stead.

SEC. 3. *And be it further enacted*, That there shall be allowed and furnished to each army corps two-horse ambulances, upon the following basis, to wit: three to each regiment of infantry of five hundred men or more; two in each regiment of infantry of more than two hundred and less than five hundred men or more; and one to each regiment of infantry of less than two hundred men; two to each regiment of cavalry of five hundred men or more; and one to each regiment of cavalry of less than five hundred men; one to each battery of artillery—to which battery of artillery it shall be permanently attached; to the headquarters of each army corps two such ambulances; and to each division train of ambulances two army wagons; and ambulances shall be allowed and furnished to division brigades and commands not attached to any army corps upon the same basis, and each ambulance shall be provided with such number of stretchers and other appliances as shall be prescribed by the Surgeon-General; *Provided*, That the ambulances and wagons herein mentioned shall be furnished, so far as practicable, from the ambulances and wagons now in the service.

SEC. 4. *And be it further enacted*, That horse and mule litters may be adopted or authorized by the Secretary of War, in lieu of ambulances, when judged necessary, under such rules and regulations as may be prescribed by the medical director of each army corps.

SEC. 5. *And be it further enacted*, That the captain shall be the commander of all the ambulances, medicine, and other wagons in the corps, under the immediate direction of the medical director, or chief medical officer, of the army corps to which the ambulance corps belongs. He shall pay special attention to the condition of the ambulances, wagons, horses, mules, harness, and other fixtures appertaining thereto, and see that they are at all times in readiness for service; that the officers and men of the ambulance corps are properly instructed in their duties, and that their duties are performed, and that the regulations which may be prescribed by the Secretary of War, or the Surgeon-General, for the government of the ambulance corps are strictly observed by those under his command. It shall be his duty to institute a drill in his corps, instructing his men in the most easy and expeditious manner of moving the sick and wounded, and to require in all cases that the sick and wounded shall be treated with gentleness and care, and that the ambulances and wagons are at all times provided with attendants, drivers, horses, mules, and whatever may be necessary for their efficiency; and it shall be his duty also to see that the ambulances are not used for any other purpose than that for which they are designed and ordered. It shall be the duty of the medical director, or chief medical officer, of the army corps, previous to a march, and previous to and in time of action, or whenever it may be necessary to use the ambulances, to issue the proper orders to the captain for the distribution and management of the same, for collecting the sick and wounded and conveying them to their destination. And it shall be the duty of the captain faithfully and diligently to execute such orders. And the officers of the ambulance corps, including the medical director, shall make such reports, from time to time, as may be required by the Secretary of War, the Surgeon-General, the medical director of the army, or the commanding officer of the army corps in which they may be serving; and all reports to higher authority than the commanding officer of the army corps shall be transmitted through the medical director of the army to which such army corps belongs.

SEC. 6. *And be it further enacted*, That the first lieutenant assigned to the ambulance corps for a division shall have complete control, under the captain of his corps and the medical director of the army corps, of all the ambulances,

medicine, and other wagons, horses, mules, and men in that portion of the ambulance corps. He shall be the acting assistant quartermaster for that portion of the ambulance corps, and will receipt for and be responsible for all the property belonging to it, and be held responsible for any deficiency in anything appertaining thereto. He shall have a traveling cavalry forge, a blacksmith, and a saddler, who shall be under his orders, to enable him to keep his train in order. He shall have authority to draw supplies from the depot quartermaster, upon requisitions approved by the captain of his corps, the medical director, and the commander of the army corps to which he is attached. It shall be his duty to exercise a constant supervision over his train in every particular, and keep it at all times ready for service.

SEC. 7. *And be it further enacted*, That the second lieutenant shall have command of the portion of the ambulance corps for a brigade, and shall be under the immediate orders of the first lieutenant, and he shall exercise a careful supervision over the sergeants and privates assigned to the portion of the ambulance corps for his brigade; and it shall be the duty of the sergeants to conduct the drills and inspections of the ambulances, under his orders, of their respective regiments.

SEC. 8. *And be it further enacted*, That the ambulances in the armies of the United States shall be used only for the transportation of the sick and wounded, and, in urgent cases only, for medical supplies, and all persons shall be prohibited from using them, or requiring them to be used, for any other purpose. It shall be the duty of the officers of the ambulance corps to report to the commander of the army corps any violation of the provisions of this section, or any attempt to violate the same. And any officer who shall use an ambulance or require it to be used for any other purpose than as provided in this section shall, for the first offense, be publicly reprimanded by the commander of the army corps in which he may be serving; and for the second offense shall be dismissed from the service.

SEC. 9. *And be it further enacted*, That no person except the proper medical officers, or the officers, non-commissioned officers, and privates of the ambulance corps, or such persons as may be specially assigned, by competent military authority, to do duty with the ambulance corps for the occasion, shall be permitted to take or accompany sick or wounded men to the rear, either on the march or upon the field of battle.

SEC. 10. *And be it further enacted*, That the officers, non-commissioned officers, and privates of the ambulance corps shall be designated by such uniform or in such manner as the Secretary of War shall deem proper: *Provided*, That officers and men may be relieved from service in said corps and others detailed to the same, subject to the examination provided in the second section of this act, in the discretion of the commanders of the armies in which they may be serving.

SEC. 11. *And be it further enacted*, That it shall be the duty of the commander of the army corps to transmit to the Adjutant-General the names and rank of all officers and enlisted men detailed for service in the ambulance corps of such army corps, stating the organizations from which they may have been so detailed; and if such officers and men belong to volunteer organizations, the Adjutant-General shall thereupon notify the Governors of the several States in which such organizations were raised of their detail for such service; and it shall be the duty of the commander of the army corps to report to the Adjutant-General, from time to time, the conduct and behavior of the officers and enlisted men of the ambulance corps, and the Adjutant-General shall forward copies of such reports, so far as they relate to officers and enlisted men of volunteer organizations, to the Governors of the States in which such organizations were raised.

SEC. 12. *And be it further enacted*, That nothing in this act shall be construed to diminish or impair the rightful authority of the commanders of armies, army corps, or separate detachments, over the medical and other officers and the non-commissioned officers and privates of their respective commands.

Approved March 11, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

FRANKFORT, KY., March 16, 1864—3 a. m.

(Received 10.40 a. m.)

President LINCOLN:

We came to Frankfort to-night in fear of trouble. We have spent the night with the Governor. Heard his proclamation, which will be

published to-morrow. It has the national ring. Kentucky will do her duty to the Nation. There need be no fears about the enrollment in this State. The law will be obeyed.

S. G. BURBRIDGE,
Brigadier-General, Commanding District of Kentucky.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 24. } *Washington, March 17, 1864.*

So much of paragraph 5 of General Orders, No. 376, of 1863, from this office, as orders the assignment of men not re-enlisting as veteran volunteers to duty in other companies and regiments until the expiration of their term of service is revoked; and all enlisted men assigned or transferred to other companies or regiments under this provision will be returned to their original companies or regiments at once, if in the field, or in case the regiment is on furlough, as soon as it returns.

E. D. TOWNSEND,
Assistant Adjutant-General.

LITTLE ROCK, March 17, 1864.

His Excellency A. LINCOLN,
President of the United States:

Only eight counties heard from; they give 3,556 votes, only 137 votes against constitution. We feel sure of 10,000 when the other counties are heard from and soldiers' vote obtained. Guerrillas made immense efforts to hinder the election. The people are full of enthusiasm, but much alarmed. Will you give them assurance of the energetic protection of the Government?

Praise be to God!

ISAAC MURPHY,
Provisional Governor.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 111. } *Washington, March 18, 1864.*

The name of the organization authorized by General Orders, No. 105, War Department, 1863, as an "Invalid Corps," is hereby changed to that of "Veteran Reserve Corps." All orders relating to the Invalid Corps will remain in force, as at present, with respect to the Veteran Reserve Corps.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 25. } *Washington, March 18, 1864.*

The following regulations are published concerning the payment of bounties, &c., for the information and guidance of all concerned:

I. To persons dopedtized by the Provost-Marshal-General to arrest deserters and procure recruits, who shall deliver to the proper authority a deserter from the Army of the United States, including deserters

from the late draft (see section 13, enrollment act), the sum of \$30 shall be paid; said payment to be made in accordance with the rules now governing the payment of reward for deserters. No expenses of apprehension or delivery of deserters will be allowed.

II. Bounties, &c., as follows will be paid to all persons who may be properly accepted as recruits, in accordance with this order, to wit:

To every recruit who is a veteran volunteer, as defined in general orders for recruiting veteran volunteers, one month's pay in advance, and a bounty amounting to \$400, shall be paid as follows:

1. At the general rendezvous, and before leaving the same to join his regiment or company, the veteran volunteer recruit will be paid one month's pay in advance	\$18
First installment of bounty	00
Total pay before leaving general rendezvous	\$78
(This will be paid in cash, or checks for transmittal, in whole or part, as the man may desire.)	
2. At the first regular pay-day, or two months after muster in, an additional installment of bounty will be paid	50
3. At the first regular pay-day after six months' service he shall, in addition to his pay, be paid an additional installment of bounty	50
4. At the first regular pay-day after the end of the first year's service, in addition to his pay an additional installment of bounty will be paid	50
5. At the first regular pay-day after eighteen months' service, in addition to his pay an additional installment of bounty will be paid	50
6. At the first regular pay-day after two years' service, in addition to his pay an additional installment of bounty will be paid	50
7. At the first regular pay-day after two and a half years' service, in addition to his pay an additional installment of bounty will be paid	50
8. At the expiration of three years' service, or to any soldier who may be honorably discharged after two years' service, the remainder of the bounty will be paid	40

To all other recruits, not veterans, accepted and enlisted as herein required, one month's pay in advance, and in addition a bounty amounting to \$300, shall be paid, as follows:

1. At the general rendezvous, and before leaving the same to join his regiment or company, the recruit accepted under this authority will be paid one month's pay in advance	\$18
First installment of bounty	00
Total pay before leaving general rendezvous	\$78
(To be paid in cash, or checks for transmittal, in whole or in part, as the recruit may desire.)	
2. At the first regular pay-day, or two months after muster in, an additional installment of bounty will be paid	40
3. At the first regular pay-day after six months' service, in addition to his pay he shall be paid an additional installment of bounty	40
4. At the first regular pay-day after the end of the first year's service, in addition to his pay an additional installment of bounty will be paid	40
5. At the first regular pay-day after eighteen months' service, in addition to his pay an additional installment of bounty will be paid	40
6. At the first regular pay-day after two years' service, in addition to his pay an additional installment of bounty will be paid	40
7. At the expiration of three years' service, or to any soldier who may be honorably discharged after two years' service, the remainder of the bounty will be paid	40

If the Government shall not require these troops for the full period of three years, and they shall be mustered honorably out of the service before the expiration of their term of enlistment, they shall receive, upon being mustered out, the whole amount of bounty remaining unpaid, the same as if the full term had been served. The legal heirs of recruits who die in service shall be entitled to receive the whole bounty remaining unpaid at the time of the soldier's death.

RECAPITULATION.

Rewards to be paid for arrest of deserters:

For arrest and delivery of a deserter..... \$30.00

Total amounts to be paid in cash to recruits as pay and bounty:

Before leaving general rendezvous..... \$73.00

If continued in service for three years, the pay and bounty received will be at the following rates:

For veteran volunteers, per month..... \$24.00

For other soldiers, not veterans, per month..... 21.80

If discharged at the end of two years the pay and bounty received will be at the following rates:

For veteran volunteers, per month..... \$20.70

For other soldiers, not veterans, per month..... 25.50

III. The time for re-enlisting veteran volunteers is not limited, and will continue until further orders. After the 31st of March, 1864, the bounty to soldiers (both veteran and recruits) will be \$100 only, as provided by law for two years' service; \$25 of this to be in advance, together with one month's pay in advance. This does not refer to local bounties, which are paid by local authorities, according to local arrangements.

IV. The Veteran Reserve Corps re-enlists as provided for volunteers. Detailed instructions are furnished by the Provost-Marshal-General.

E. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE,
Washington, D. C., March 19, 1864.

Col. J. B. FRY,
Provost-Marshal-General:

SIR: I commend to your favorable consideration the suggestions contained in the inclosed copy of a letter addressed to me by Lord Lyons on the 17th instant on the subject of the forthcoming draft and in relation to proceedings concerning claims for exemption therefrom on the ground of alienage.

I am, sir, your obedient servant,

W. H. SEWARD.

[Inclosure.]

WASHINGTON, *March 17, 1864.*

Hon. W. H. SEWARD, &c.:

MY DEAR SIR: An order for a fresh draft appeared in the newspapers yesterday. This leads me to make to you two suggestions with the object—on the one hand of relieving British subjects from unnecessary trouble, expense, and anxiety, and on the other of checking the increase of the official applications from this legation to the State Department, the number of which, notwithstanding all my endeavors to keep it as small as possible, continues to grow larger, and has, I am too well aware, been a serious inconvenience.

My first suggestion is that the boards of enrollment should be so ordered not to subject again to the risk of being drafted, and consequently to the necessity of proving afresh their titles to exemption, aliens whose claims have been admitted on the occasion of previous

drafts. I understand that a circular of the Provost-Marshal-General, issued last month, directed that the names of certain classes of individuals specified by him should not be placed again in the wheel, but that aliens who had been drafted and subsequently exempted on the grounds of their foreign allegiance were not included in the classes so specified.

My second suggestion is, that means should be taken to enforce the observance by boards of enrollment of the last clause of the Provost-Marshal-General's Circular No. 63, of the 19th of July last, which was communicated by you to the foreign legations on the 20th of July last. If in obedience to the provisions of this clause, the boards of enrollment, in all cases in which they are not satisfied that a party claiming exemption is entitled thereto, refer the case for decision to the State Department, and "in the meantime suspend any action on the case until the decision of the State Department be made," the intervention of this legation in behalf of British subjects would rarely be necessary. I am not aware of there being any serious difference of opinion between the State Department and the legation as to the general rules by which decisions on claims to exemption should be guided.

The great majority of applications from the legation are in cases in which boards of enrollment have peremptorily rejected claims to exemption and ordered the claimants at once into actual service; and the results of those violations of the Provost-Marshal-General's order have been, in several instances, that British subjects, whose claims to exemption have finally been admitted, have been detained in actual military service, or in confinement, for very long periods.

In connection with this subject I would observe that, considering the caution exercised by Her Majesty's consuls in granting certificates of nationality, it may not be unreasonable to expect that if such certificates are not held to be conclusive, they shall at least command so much respect as to preclude all risk of the claims of those who hold them being rejected by the boards without reference to the State Department.

You will not, I am sure, understand me as addressing you in a spirit of complaint; on the contrary, my desire in making the suggestions which I have ventured to submit to you is to prevent occasions of complaint.

My objects are to save my countrymen from anxiety and annoyance and to diminish the necessity for applications from the legation to the State Department, which by their very number, however carefully the correspondence respecting them may be conducted on both sides, tend to produce inconvenience and misunderstanding.

Believe me to be, my dear sir, your very faithful, humble servant,
LYONS.

HQRS. DEPT. OF VIRGINIA AND NORTH CAROLINA,
Fort Monroe, March 20, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I have now more than a minimum regiment of repentant rebels, whom a friend of mine calls transfugees, recruited at Point Lockent. They behave exceedingly well, are very quiet, and most of them I am certain are truly loyal, and I believe will make as efficient a regiment as there is in the service. I should like to organize and arm it at once. I have had some experience with the same sort of material in

Louisiana, having a regiment composed almost entirely of rebel deserters. By organizing this regiment at once I can have one more regiment who will fight *à Ponceance* for the spring campaign.

I have the honor to be, very respectfully, your obedient servant,

BENJ. C. BUTLER,
Major-General, Commanding.

WAR DEPARTMENT,
Washington, D. C., March 21, 1864.

Maj. Gen. J. A. DIX,
New York City:

It is reported that there are regiments, companies, and detachments of soldiers and recruits in the Northern and Western States which can and ought to be immediately sent to the field. You will cause examinations and inspections to be made in your department, and report to the Adjutant-General of the Army any such bodies or detachments that may be found. Particular attention should be given to recruiting depots for general and special service, as it is reported that recruiting officers and provost-marshals are negligent in reporting and forwarding recruits. It is not intended by these instructions to interfere with the present arrangement in regard to orders for such service, but to collect such information as may enable the War Department to get troops more promptly into the field.

H. W. HALLACK,
Major-General and Chief of Staff.

(Same to General Couch, Harrisburg, Pa.; General Brooks, Pittsburg, Pa., and General Hointzselman, Columbus, Ohio.)

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 10. } *Washington, March 22, 1864.*

The following opinion of the Hon. William Whiting, Solicitor of the War Department, is republished for the information of all persons liable to be enrolled in the military forces of the United States, and intending to leave their places of residence for other places at a distance therefrom. The laws against desertion will be rigidly enforced:

When a person has been drafted, in pursuance of the enrollment act of March 3, 1863, notice of such draft must be served within ten days thereafter, by a written or printed notice, to be served on him personally, or by leaving a copy at his last place of residence, requiring him to appear at a designated place of rendezvous for duty. Any person failing to report for duty after notice left at his last place of residence, or served on him personally, without furnishing a substitute or paying \$300, is pronounced by law to be a deserter; he may be arrested and held for trial by court-martial and sentenced to death.

If a person after being drafted, and before receiving notice, deserts, the notice may still be served by leaving it at his last place of residence, and if he does not appear in accordance with the notice, or furnish the substitute, or pay the \$300, he will be in law a deserter and must be treated accordingly. There is no way or manner in which a person, once "enrolled," can escape his public duties, and when drafted, whether present or absent, whether he changes his residence or absconds, the rights of the United States against him are secured, and it is only by performance of his duty to the country that he will escape liability to be treated as a criminal.

JAMES B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, }
No. 38. }

HQRS. DEPARTMENT OF THE GULF,
New Orleans, March 22, 1864.

In pursuance of the provisions of General Orders, No. 23, current series, for the rudimental instruction of the freedmen of this department, placing within their reach the elements of knowledge which give intelligence and greater value to labor, and reducing the provisions necessary therefor to an economical and efficient school system, it is ordered that a board of education, consisting of three persons, be hereby constituted, with the following duties and powers:

1. To establish one or more common schools in each and every school district that has been or may be defined by the parish provost-marshals and under orders of the provost-marshal-general.

2. To acquire, by purchase or otherwise, tracts of land, which shall be judged by the Board necessary and suitable for school sites, in plantation districts, to be not less than one-half acre in extent; to hold the same in trust for themselves until such schools shall have been established, when they shall transfer all the right and title thereto that may have vested in them to the superintendent of public institutions, or other competent State authority.

3. To erect upon said plots of land such school-houses as they may judge necessary and proportioned to the wants of the population of the district where there are no buildings available and proper for school purposes. And in this, as in all their other duties, they shall exercise the strictest economy.

4. To select and employ proper teachers for said schools, as far as practicable, from the loyal inhabitants of Louisiana, with power to require their attendance for the purpose of instruction in their duties one week at least at a normal school to be conducted by the Board.

5. To purchase and provide the necessary books, stationery, and apparatus for the use of such schools, and, in addition thereto, to purchase and furnish an outfit of a well-selected library, &c., for each freed person in the several school districts who is above the age of attending school duty, at a cost to each, including a case to contain the same, not exceeding \$2.50, which sum shall be included in the general tax hereinafter provided, but shall be deducted from the laborer's wages by his employer when such books are furnished.

6. To regulate the course of study, the discipline, the hours of instruction for children on week days, and adults on Sundays, to require such conformity to their regulations, and such returns and reports from their teachers as they may deem necessary to secure uniformity, thoroughness, and efficiency in said schools.

7. To have generally the same authority and perform the same duties that assessors, supervisors, and trustees have in the Northern States in the matter of establishing and conducting common schools.

And for the full accomplishment of these purposes and the performance of the duties enjoined upon them, the Board shall have full power and authority to assess and levy a school tax upon real and personal property, including crops of plantations, in each and every before-mentioned school district. The said taxes so levied shall be sufficient in amount to defray the cost and expense of establishing, furnishing, and conducting for the period of one year the school or schools so established in each and every of the said districts; and said taxes shall be collected from the person or persons in the occupation of the property assessed.

8. The taxes so assessed and levied in and for each district shall be collected and paid over to the Board by the parish provost-marshal

within thirty days after the tax list and schedule shall have been placed in his hands; and he shall forthwith report to the Board whether there are in the districts of his parish any buildings available and suitable for school-houses, and shall at all times, when required, assist by his authority the Board in carrying out the spirit of this order.

The taxes, when collected, shall be forthwith deposited in the First National Bank of New Orleans, subject only to the order of the whole Board, who shall make a monthly exhibit of accounts and report of their doings to the commanding general.

9. In the performance of all their duties the Board shall co-operate as far as practicable with the superintendent of public education, recently elected.

10. The current school year shall be estimated from February 1, 1864, to February 1, 1865.

11. The following officers and citizens are appointed upon this Board, and will be obeyed and respected accordingly:

Col. H. N. Frisbie, Twenty-second Infantry, Corps d'Afrique.

Lieut. E. M. Wheelock, Fourth Infantry, Corps d'Afrique.

Isaac G. Hubbs, New Orleans.

By command of Major-General Banks:

RICHARD B. IRWIN,
Assistant Adjutant-General.

LITTLE ROCK, ARK., *March 22, 1864.*

HIS EXCELLENCY A. LINCOLN,
President of the United States:

More than 8,000 votes reported; the entire vote will exceed 10,000. The people have been enthusiastic in view of the protection of law, voting in imminent risk of loss of life and property, the guerrillas having threatened to hang every one that went to the polls. Should the army leave the line of the Arkansas unprotected terror would prevail the State.

Will the Government accept of two regiments of artillery (one black) and a regiment of cavalry, armed for pursuit of guerrillas? The swamps and mountains are full of armed rebels waiting for the movement of the army, to pounce upon unprotected points and cut off communication.

A few more regiments here would give confidence to the people and a forward movement could be made with safety. As it is, the risk is great; all may be lost that has been gained by the election. We need arms to arm the loyal. They will be organized soon.

ISAAC MURPHY,
Provisional Governor.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 11. } *Washington, March 23, 1864.*

The following opinion of the Hon. William Whiting, Solicitor of the War Department, is published for the information and guidance of all officers of this Bureau:

In regard to credits on the quotas of wards, towns, &c., of persons enlisting into the naval service or Marine Corps of the United States. (Section 9, act of Congress, approved February 24, 1864, amendatory of the enrollment act.)

Opinion.—Of those persons who, since the 24th of February, 1864, shall have entered the naval service or Marine Corps of the United States, some are, and others are not, by law, to be credited to the quotas of towns, wards, &c.

No person so enlisting is to be credited to any quota unless he is "liable to service" under the enrollment act, whether he has or has not been enrolled. Thus, if an alien, just landed in a sea-port, is erroneously or improperly enrolled, he owes the United States no allegiance, is not, against his will, liable to military duty, and if he enlists in the Navy cannot lawfully be credited to the quota of the town where he happened to enlist. So, if a citizen, who by reason of his age or for any other cause is not liable to military service under the laws of the United States, should be by error enrolled, and should then enlist in the Navy, he cannot be credited to any quota, because the law allows credits only for seamen who are "liable to service" under said act.

When such credits are to be given they must be given to the towns, wards, &c., "in which said enlisted mariners, &c., were or might have been enrolled, and were actually liable to duty under the enrollment act."

The three questions of your letter are therefore to be answered as follows:

First. A person enlisting into the Marine Corps or naval service of the United States who is (according to the provisions of the act of March 3, 1863) liable to military service, whether enrolled or not—if he might be enrolled—is to be credited to the quota of the place where he was liable to military service.

Second. Persons not liable to military service, whether enrolled or not enrolled, should not be credited to any quota.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., March 23, 1864.

MAJ. W. H. SUDLER,
Adj. Asst. Provost-Marshal-General, Louisville, Ky.:

Can you not, by sending your deputies, your assistants, and visiting yourself the different districts, hasten and secure the enrollment of slaves as required by law? I fear the provost-marshals waste time in finding enrolling officers. The commanding generals will doubtless give you sufficient military force on application.

JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, March 23, 1864.

HON. J. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: The system for recruiting negroes in this department prescribed by General Orders, No. 135, of which a copy is inclosed,* has the approval of the President, and when properly enforced, as it will be if I retain command, works well. Inclosed is an order from General Thomas,† which nullifies this order and places the supervision of the whole recruiting service and its mode of operation on an entirely different basis. I refer these two orders to the Department for instructions as to which system shall be preferred, with the following:

General Orders, No. 135, is full, explicit, and provides for a proper supervision of the recruiting service by provost-marshals who, being spread over the State and constantly acting as conservators both of the public interests and private rights, can better watch and punish unlawful hindrances of enlistments and fraudulent attempts to put upon the Government crippled, infirm, or unsound slaves, as well as better preserve peace and order. As soon as I can get proper assistant provost-marshals and send them some of the approv

* See Vol. III, this series, p. 1034.

† See Orders No. 8, of March 11, 1864, p. 105.

candidates for promotion in the colored regiments for assistants in recruiting, we shall succeed well.

I object to General Thomas' order (No. 8) of March 11, 1864.

First. Because it overthrows an existing system which is well organized and supported for other purposes and adds expense but not increased efficiency.

Second. It will require more officers than can be spared from the department to put in operation.

Third. It directs the department commander to detail such officers and men as General Pile may desire. Such a sweeping order puts the department commander under the control of General Pile, and could not be executed without serious detriment to the interests of the service, if at all.

Fourth. I am well satisfied that the carrying out of General Thomas' order at this time will endanger the public peace and be a fruitful source of disorder and violence.

Awaiting your decision in this matter, I am, very respectfully,
yours,

W. S. ROSECRANS,
Major-General.

[First indorsement.]

WAR DEPARTMENT,
April 5, 1864.

The recommendation of Major-General Rosecrans is approved, and recruiting for the colored regiments in Missouri will be reinstated upon the basis established by General Schofield.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

[Second indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
April 6, 1864.

Respectfully returned to Maj. Gen. W. S. Rosecrans, commanding Department of the Missouri, Saint Louis, Mo., and attention invited to the indorsement hereon of Brigadier-General Canby, assistant adjutant-general.

By order:

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

WAR DEPARTMENT,
Washington City, March 24, 1864.

Hon. E. M. STANTON,

Secretary of War:

SIR: In answer to your inquiry, "what bounty, if any, the Missouri State Militia, or recruits for the same, are entitled to, who have been mustered into the U. S. service for three years, unless sooner discharged (under provisions contained in General Orders, No. 96, of 1861, from the Adjutant-General's Office)," I have the honor to reply that the forces referred to were a body of State militia raised by the Governor of Missouri, by authority of the general order above referred to, to serve during the war, to co-operate with the troops in the service

of the United States in repelling the invasion of the State of Missouri and in suppressing rebellion therein, to be governed by the Regulations of the U. S. Army, subject to the Articles of War, but not to be ordered out of the State of Missouri, except for the immediate defense of the said State.

The general order above referred to further provides:

The State forces thus authorized will be, during such time as they shall be actually engaged as an embodied military force in active service, armed, equipped, clothed, subsisted, transported, and paid by the United States in accordance with the Regulations of the U. S. Army and such orders as may from time to time be issued from the War Department, and in no other manner; and they shall be considered as disbanded from the service of the United States whenever the President may direct.

The Missouri State Militia, therefore, were, in the language of the order, "State forces," or militia of the State, bound to serve as such during the war, to co-operate with the troops in the service of the United States in repelling invasion and putting down rebellion in their own State, with provision that when such State militia should be engaged in active service they were to be armed, equipped, subsisted, and paid by the United States; but they were not to be ordered out of the State for general service, and they were to be disbanded from the service of the United States (but not from the service of the State) whenever the President might so direct.

They are, therefore, militia of the State of Missouri, and not a part of the regular or volunteer forces of the United States.

Their right to bounty does not depend upon the degree of merit or efficiency of their public services. They are entitled only to what the acts of Congress secure to them.

This inquiry does not relate to pensions nor allowances for re-enlistments.

The statute of the United States passed July 22, 1861, section 5, provides that "any volunteer non-commissioned officer, private, musician, and artificer who enters the service of the United States under this act shall have" certain pay and allowances; "and, in addition thereto, if he shall have served for a period of two years or during the war, if sooner ended, the sum of one hundred dollars;" and the statute, chapter 24, of 1861, section 5, secures to the men enlisted in the regular forces the same bounties as those allowed, or to be allowed, to the volunteer forces.

By statute passed July 22 [5], 1862, chapter 133, section 6, one-quarter part of this bounty may be paid, immediately after enlistment, to every soldier of the regular and volunteer forces thereafter enlisted.

The statute passed July 17, 1862, chapter 201, section 3, gives to men volunteering for nine months a bounty of \$25, to be paid when their company or regiment is mustered into service, and section 4 of the same statute authorizes the acceptance of volunteers for twelve months to fill up regiments of infantry then in the U. S. service; and these recruits, when mustered in, are to be, in all respects, on the same footing as similar troops in the U. S. service, except as to service bounty, which shall be \$50, one-half to be paid upon their joining their regiments and the other half at the expiration of their enlistment.

In all these enactments there appears to be no provision for payment of service bounty to State militia. The statute passed July 29, 1861, chapter 25, authorizes the President of the United States to call into service the militia of the States in certain cases, and, in section 3, provides that the militia so called into service of the United States

shall, during their term of service, be entitled to the same pay, rations, and allowances for clothing as are or may be established by law for the Army of the United States; but no provision is made for payment of any service bounty, and we must infer that it was designedly omitted.

The general order (No. 96) under which the body of Missouri forces referred to was raised, states that these State forces shall be armed, equipped, clothed, subsisted, transported, and paid in accordance with the Regulations of the Army and such orders as may be issued from the War Department, and in no other manner; and nothing is said of a service bounty, and no regulation of the Army or special order of this Department is known to exist giving to these troops a bounty of that description.

A distinction is clearly made in the statutes between regular and volunteer forces enlisted directly into the service of the United States under the special acts and militia of the several States temporarily called into service by the President.

Thus, in the statute passed February 7, 1863, chapter 23 (which gives authority to the Governor of Kentucky to raise in that State a volunteer force to be employed within the limits of Kentucky), the fourth section provides that these troops shall be mustered into service, and be placed on the same footing as other volunteers in the service of the United States as to pay, subsistence, clothing, and other emoluments, except bounty, for and during the time they may be in actual service.

It may reasonably be supposed that Congress intended to give to the militia of Kentucky raised under this act as liberal rewards for patriotic services as to the militia of Missouri. Neither are entitled to the enlistment bounty or to the service bounty under the statutes and general orders above cited.

I have the honor to be, sir, very respectfully, your obedient servant,
 WILLIAM WHITING,
Solicitor of the War Department.

[Endorsement.]

WAR DEPARTMENT,
 March 31, 1864.

Approved.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

GENERAL ORDERS, { WAR DEPT., ADJT. GENERAL'S OFFICE,
 No. 119. } Washington, March 24, 1864.

I. In order to remedy existing evils in the waste and destruction of cavalry horses, a board of three officers will be appointed by the War Department to make thorough inspections of the mounted troops in each army in the field, and to report to the adjutant-general of the armies such regiments and companies as, for want of discipline and neglect and waste of their horses, ought to be dismounted or broken up, and transferred to other organizations from the same State. Where regiments or companies are broken up the officers will be mustered out of service.

II. Authority is hereby given to commanding generals of armies and military departments to dismount and transfer to infantry regi-

ments from the same State any mounted man whose horse is, through his own fault and neglect, rendered unfit for service, the regiment to which he is transferred furnishing a proper substitute.

III. In addition to such transfers being noted on the next muster-roll thereafter, they shall be immediately reported to the Adjutant-General of the Army.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 120. } Washington, March 24, 1864.

RULES FOR PAYMENT OF CLAIMS IN DEPARTMENT OF MISSOURI.

The following rules are adopted for the payment of claims arising under act of Congress of March 25, 1862, for "pay, bounty, and pensions due the officers and men actually employed in the Western Department, or Department of Missouri," examined by the Commission appointed under General Orders, No. 64, of 1863:

1. Such claims shall be settled at Saint Louis, by an officer of the Pay Department of the Army, to be especially designated for that duty, assisted by Major Sherman, additional paymaster; and they shall be paid by no other officer and nowhere else.

2. The officer so designated shall be furnished with a certified list of all the claims passed by said Commission, showing the amounts allowed for pay and bounty in each case, the dates between which the services were rendered, the military rank in which the claimant served, the name of the person in whose favor the claim is allowed, and any other information that may be necessary for use in settling such claims.

3. All claims shall be settled and payment made only to the claimant himself, if living, or to his regularly authorized agent or attorney, appointed specially to receive payment, and by a power of attorney executed since the claim was allowed by the commission.

4. Each claim presented for payment shall be accompanied by the original order or decision of the Commission furnished the claimant and notifying him that his claim had been allowed, which order, &c., shall be retained by the paymaster and filed in his vouchers.

5. The receipts to be given shall be, in the case of commissioned officers, the ordinary officers' pay-rolls; and in case of enlisted men, their receipts on the form of receipts used for discharged soldiers.

6. Claims for pensions cannot be settled under the orders of the War Department, but must be submitted to the Secretary of the Interior, to be entered on the regular pension-lists.

7. A list of all the claims allowed by the Commission will be furnished the Paymaster-General, for the purpose of examining whether some may not already have been paid by paymasters, and yet again submitted to the Commission.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 28. } *Washington, March 24, 1864.*

Recruits presented for enlistment, or already enlisted, in the regular or volunteer service of the United States will not be rejected if at least five feet in height, provided they are otherwise physically qualified to perform the duties of a soldier.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 12. } *Washington, March 24, 1864.*

MEMORANDUM.

The muster in of re-enlisted veterans is made in the field by the regimental and company officers, and the U. S. commissary of musters, under the general direction of the Adjutant-General of the Army.

The muster-in rolls are made, signed, and certified by the regimental and company officers and U. S. commissary of musters.

These rolls belong to and are filed in the Adjutant-General's Department of the Army. All questions, propositions, or inquiries in regard to them should be presented to the Adjutant-General (Major Vincent's office) and not to the Provost-Marshal-General.

The credits for re-enlisted veterans are made up by the Adjutant-General from the muster-in rolls above referred to, and when so made up the numbers to be credited and the places to which they are to be credited are reported by the Adjutant-General of the Army to the Provost-Marshal-General, to be deducted from the quotas for draft.

JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS OF THE ARMY,
Washington, March 24, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: A letter of the Honorable Secretary of State, dated February 25, inclosing copy of Baron von Gerolt, in regard to General Orders, No. 2, issued at Memphis on the 30th of January last, having been referred to General Grant, he reports from Nashville March 16:

General Buckland has been instructed to revoke his Order No. 2, of date January 30, 1864, so far as the same relates [to] aliens, and to report fully the reasons for his issuing the same.

Very respectfully, your obedient servant,

U. W. HALLECK.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Major-General BUTLER, *March 24, 1864.*
Fort Monroe, Va.:

GENERAL: In reply to your application of the 20th instant, you are hereby authorized to recruit and organize a regiment at Point

Rockont, Md., to serve for three years or during the war. The recruitment, muster, and organization must conform to the requirements of the Mustering Regulations of the Army. All appointments of officers will be made by the War Department upon your recommendation. Arms and other supplies will be furnished by the proper supply departments upon your requisition.

I am, general, very respectfully, your obedient servant,
JAMES B. FRY,
Provost-Marshal-General.

HEADQRS. ACTG. ASST. PROV. MAR. GEN., STATE OF KENTUCKY,
Louisville, Ky., March 24, 1864.

1. J. B. FRY,

Provost-Marshal-General, Washington, D. C.:

COLONEL: Touching your telegram of yesterday on the trouble in enrolling negroes, I have to state that I have no fear, and never have had, of the completion of the enrollment; the only question was in regard to the time set. This short limit of time encouraged such as were disposed to the work to assume that they could stop it entirely, but they have gotten over that feeling pretty generally by this time, being assured that with time the work could and would be done peacefully or forcibly. I think that things are now in fair progress, though course difficulties occasionally occur as in every other business. The general sense of the State is opposed to Colonel Wolford's rise, and the unwilling, including rebels concealed or open and other mischief-makers, begin to find that they can make no head against the execution of the law. Yesterday I received a report that a deputy and two enrolling officers were threatened and put to flight in Cumberland County by drunken (and other) citizens and soldiers of a regiment stationed there, and the colonel of the regiment refused to give the necessary aid. I conferred with General Burbridge, who promptly brought the colonel to terms, and to-day informs me he will do his whole duty, and the provost-marshal of Third District telephoned me to the same effect. Other circumstances of like nature arise from time to time and involve some little delay, but that is all. I think that the dismissal of Colonel Wolford would serve a good purpose in tranquilizing the State as indicating to others that they would not be sustained in resistance and as showing that the Government is omnipotent in enforcing its laws.

The provost-marshals and deputies do visit the troublesome localities and provide against contingencies, and I cannot doubt that the work will be soon completed.

In the First District, a part of which is in the Department of the West, there is some difficulty in getting the necessary force of proper kind, viz, mounted men. As this part of the district is subject to guerrilla interference, the force is more than usually necessary. General Reid, commanding District of Cairo, in that department, writes me that he has no proper force, and I think that commanding general of the department should be directed from Lexington to provide the force for him, say two companies of good mounted men. Each of the other provost-marshals has or should have, as the order has been issued, a mounted company at his disposal. I have in some cases been asked by the provost-marshals if they will use the military directly in enrolling. I have considered it

inexpedient and have not sanctioned it on the ground that small squads roaming from house to house would induce collisions which might grow and enlarge to be conflicts. I consider that the moral effect of a knowledge that a sufficient force is close at hand to aid an officer when he calls for aid is more potent than the exhibition of squads.

I doubt if anything more can be done than is now doing to insure or to expedite the completion of the work.

I am, colonel, respectfully,

W. H. SIDDELL,

Major Fifteenth U. S. Infantry, Actg. Asst. Prov. Mar. Gen.

CIRCULAR }
No. 13. }

WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
Washington, March 25, 1864.

In accordance with "A resolution relative to the transfer of persons in the military service to the naval service," approved February 24, 1864, provost-marshals, in addition to their other duties, will recruit for the naval service and the Marine Corps.

The following regulations are published for their guidance in the performance of this duty, viz:

1. Upon the application of any person to be enlisted in the naval service, the provost-marshal shall cause such person to be physically examined by the surgeon of the Board of Enrollment, and if such applicant pass the examination prescribed for drafted men and volunteers, he shall be sent to the nearest naval rendezvous with a descriptive list and letter of transmittal to the commanding officer thereof, stating the name of the recruit and the sub-district to which he is to be credited. When the man shall have presented himself at the naval rendezvous and been examined, the commanding officer will notify the provost-marshal that the person has been received or rejected.
2. When any person between the ages of eighteen and thirty-five, and not less than five feet four inches high (veteran soldiers that have served one full enlistment and are of robust health may be taken at forty years of age), applies to be enlisted in the Marine Corps, the provost-marshal shall cause such person to be physically examined by the surgeon of the Board of Enrollment, and if such applicant pass the examination prescribed for drafted men and volunteers, he shall be sent to the nearest recruiting rendezvous for the Marine Corps with a descriptive list and letter of transmittal to the recruiting officer thereof, stating the name of the recruit and the sub-district to which he is to be credited. When the man shall have presented himself at the rendezvous and been examined, the marine recruiting officer will notify the provost-marshal that the person has been received or rejected.
3. Separate abstracts and accounts for subsisting and lodging and for transportation of these persons to the rendezvous will be kept by provost-marshals and will be sent at the end of every month direct to the Provost-Marshal-General.
4. Able or ordinary seamen enlisted into the naval service receive an advance of three months' pay as bounty, to be refunded from any prize money to which they may be entitled. This advance bounty will be paid by the naval officers. Recruits enlisting in the Marine Corps do not receive advance pay or bounty from the United States, but are entitled to prize money. Men for the naval service or Marine Corps are credited on the quotas for draft the same as men for the Army.

5. The rendezvous established for the naval service are as follows, viz: Portsmouth, N. H.; Boston, Mass.; New York, N. Y.; Philadelphia, Pa.; Baltimore, Md.; Washington, D. C.; Erie, Pa.; Cincinnati, Ohio; Chicago, Ill., and Cairo, Ill.

6. The rendezvous established for the Marine Corps are as follows, viz: Portsmouth, N. H., navy-yard; Boston, Mass., navy-yard; Brooklyn, L. I., navy-yard; Philadelphia, Pa., navy-yard; Baltimore, Md., receiving ship *Alleghany*; Cairo, Ill., navy-yard, and Washington, D. C., marine barracks.

7. Provost-marshals will give proper publicity by short advertisements to the subject of recruiting for the Navy and Marine Corps, and will send the bills therefor direct to the Provost-Marshal-General.

JAMES B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, }
No. 23. }

HQRS. DEPARTMENT OF THE EAST,
New York City, March 25, 1864.

The attention of the commanding general has been called to the fact that the county of Richmond, N. Y., the town of West Farms, Westchester County, N. Y., and several other towns within the limits of this department, have made provision for a bounty of \$300 and upward, to be paid to persons enlisting in the military service of the United States, and that the corporate authorities of said counties and towns have provided that at least \$100 shall be paid to the recruit, leaving the disposition to be made of the balance (\$200 or upward, as the case may be) undefined and to be bargained for by the recruit and the bounty broker, usually with fraudulent representations on the part of the latter. The result is that the person presenting the recruit for enlistment gets, in many cases, \$200 or more, and the recruit only \$100.

As numerous deceptions and frauds on the recruits necessarily occur, and are daily occurring, under such an arrangement; as it is an outrage to the tax-payers, who intend that the money levied upon their property shall go to the recruit who perils his life for his country, and not to the bounty runner who stays at home, and to whom the United States pays a liberal and fixed compensation for his trouble in procuring the recruit, the commanding general hereby orders that all provost-marshals and enlisting officers shall refuse to enlist in behalf of any county or town making such or similar indefinite provision as is heretofore referred to, unless such provost-marshal or enlisting officer shall be convinced that such recruit has actually received the full amount of the bounty raised in such county or town, and such recruit will not be allowed to part with any portion of his said bounty to any person for any pretended services in enlisting him or any pretended service to him after his enlistment, even though an agreement be shown; such agreements being almost always fraudulent, without consideration, and contrary to public policy.

It is the unalterable determination of the commanding general of the department to protect recruits from the frauds practiced upon them, and to punish the offenders if he can reach them, being fully convinced that nothing can be more discouraging to enlistments, or more disreputable to the community, than the depredations which have recently been committed upon persons enlisting into the military service.

Wherever, therefore, a certain amount per man is levied upon a county or town as bounty, he will hold that this amount shall be paid to the recruit, and that any other appropriation of it is unlawful. If the county or town authorities raise money to pay the expenses of recruiting as well as for bounty, then the amount they appropriate for each purpose should be distinctly and specifically stated; that is, so much as bounty to each recruit and so much for the person who presents him. If they say in so many words, as one county has done, that the recruit shall have \$200 and the man who presents him \$100, in addition to the fixed sum paid by the United States, however unjust such a distribution may be to the recruit and the tax-payers, there is no authority to interfere with it. The only remedy for the recruit is to enlist where he is more liberally treated, and for the tax-payers to place their money in the hands of men who will not lavish it on runners and bounty brokers.

By command of Major-General Dix:

D. T. VAN BUREN,
Colonel and Assistant Adjutant-General.

LITTLE ROCK, ARK., *March 26, 1864.*
(Received 6 p. m. 27th.)

His Excellency A. LINCOLN,
President:

Are new recruits enlisting in Arkansas regiments now forming and to be termed entitled to the \$300 bounty? A speedy answer is very important to the recruiting service just now. In organizing State government, want of funds is the trouble. There are none. Will you advise me? Answer.

ISAAC MURPHY,
Provisional Governor of Arkansas.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
March 26, 1864.

General N. B. BAKER,
Adjutant-General of Iowa, Davenport, Iowa:

GENERAL: In my letter of the 14th instant I inadvertently omitted to refer to the 209 recruits mustered into service in the field, and for which you claim credit. Concerning these men, we have no reports from mustering officers showing the musters, nor can the muster-in rolls be traced. In claims of this kind the circumstances under which men were mustered into service in the field should be stated, as the regulations look to all musters for field regiments being made in the States and by the U. S. mustering officers thereof. Musters made otherwise are in violation of regulations and cause delays in making credits. Under the rules, therefore, the said men cannot now be credited, but they will be credited promptly so soon as the proper rolls and reports shall have been received.

The foregoing is in reply to your letter of the 18th instant.

I have the honor, &c.,

THOMAS M. VINCENT,
Assistant Adjutant-General.

SPECIAL ORDERS, { WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 128. { Washington, March 26, 1864.
* * * * *

54. Col. M. D. Hardin, Twelfth Pennsylvania Reserves, will at once relieve Brig. Gen. J. T. Copeland, U. S. Volunteers, in command of the depot for drafted men at Pittsburg, Pa.

On being relieved General Copeland will report in person without delay to the commanding general of the Department of the Missouri for assignment to duty.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF THE GULF,
Alexandria, La., March 27, 1864.

ADJUTANT-GENERAL, ARMY OF THE UNITED STATES,
Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of your communication of 7th instant, relating to the organization of the negro troops in this department under General Orders, No. 47, and to state in reply thereto that the order was issued while the army was upon the march at Opelousas. Up to the date of the order three regiments of negroes had been organized according to the provisions of the Army regulations. These regiments absorbed all the material that was available at that time. It became necessary during the campaign of last year to organize new regiments for instant service. The men, of course, were utterly unused to everything appertaining to military service, the negroes of Central and Northern Louisiana being, perhaps, less adapted for this service than those of any other State. The officers, with few exceptions, were necessarily taken from the ranks. These regiments being required for immediate service, it was necessary that the number of men should be limited, so that inexperienced officers might render wholly untrained troops available in the shortest possible time. The number of each company was limited to fifty, it being the intention as soon as more country opened to us to fill the regiments to the minimum or maximum number, and also to recruit from the plantations within the lines of the army, in accordance with the instructions which I had received from General Halleck. From these two sources the regiments we had formed could have been easily filled. A subsequent order from the Adjutant-General of the Army suspended the recruiting from the plantations within the lines of the army, and the extended siege operations at Port Hudson prevented our covering as much territory and getting as many recruits as had at first been anticipated. From the moment these regiments were organized they entered active service, and have been from that day constantly in the presence of the enemy from Brashear to Port Hudson. Two brigades will participate in this campaign. I was conscious that there was a departure from the regulations of the Army upon this subject, but the necessities of the case seemed to justify it. These regiments did excellent service, and it is no more than just to say that the campaign of last year could hardly have been accomplished without their aid. The restriction as to numbers is in accordance with military experience in regard to the organization of recruits

intended for immediate service. To one instance I may properly refer. In France, under Napoleon, when intended for immediate service, the battalions were limited to 300 instead of 1,000 men. My experience in this department fully justified this practice where troops are required for instant service. Under other circumstances a departure from the Army regulations would be inexcusable. It is my intention to fill these regiments to the minimum and maximum number as soon as possible, and I hope that this campaign may furnish the material for such purpose.

With much respect, your obedient servant,

N. P. BANKS,
Major-General, Commanding.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 123. } *Washington, March 28, 1864.*

1. Circular No. 23, of March 9, in relation to the transfer of enlisted men of the Army to the naval service, is revoked.

2. Every department and army commander will cause to be transferred as speedily as possible to the nearest naval station named in General Orders, No. 91, all enlisted men who desire to enlist in the Navy, and who fulfill the conditions required in General Orders, No. 91, without regard to the restriction in said orders as to reduction of regiments and companies below the minimum organization, which restriction is removed.

3. Daily reports by telegraph will be made to the Adjutant-General of the number of men transferred and the station to which they are sent.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, March 28, 1864.

HONORABLE SECRETARY OF WAR:

MY DEAR SIR: The Governor of Kentucky is here and desires to have the following points definitely fixed:

First. That the quotas of troops furnished and to be furnished by Kentucky may be adjusted upon the basis as actually reduced by able-bodied men of hers having gone into the rebel service, and that she be required to furnish no more than her just quotas upon fair adjustment on such basis.

Second. That to whatever extent the enlistment and drafting, one or both, of colored troops may be found necessary within the State, it may be conducted within the law of Congress, and as far as practicable free from collateral embarrassment, disorders, and provocations. I think these requests of the Governor are reasonable, and I shall be obliged if you will give him a full hearing, and do the best you can to effect these objects.

Yours, very truly,

A. LINCOLN.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 125. } Washington, March 20, 1864.

Furloughs, not to exceed thirty days in each case, to the non-commissioned officers and privates of the Army who may desire to enter the free military school at Philadelphia, may be granted by the commanders of armies and departments when the character, conduct, and capacity of the applicants are such as to warrant their immediate and superior commanders in recommending them for commissioned appointments in the regiments of colored troops.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 127. } Washington, March 20, 1864.

I. Medical directors of departments will establish a general hospital at some convenient point within their respective departments for the reception and treatment of sick and wounded officers, but no expenditures for the construction of new hospitals for this purpose will be incurred without special authority. They will detail a surgeon-in-charge, who will make requisitions upon the medical purveyor for medicines, hospital stores, furniture, &c., according to the standard supply table of the Medical Department, and will hire the nurses, cooks, and laundresses required. Hospital stewards assigned to officers' general hospitals will be paid on the regular muster and pay rolls.

II. On the recommendation of the medical director of the department, a commissioned medical officer will be detailed to act permanently as treasurer for each officers' general hospital, who shall not be removed without sufficient cause. The treasurer shall have the custody of the funds of the hospital, and shall perform such duties in relation to collecting, disbursing, and accounting for the same, and such other duties as may be prescribed by the Surgeon-General.

III. On the last day of each calendar month, and immediately on leaving the hospital, by return to duty, furlough, or otherwise, each officer shall pay to the treasurer the sum of \$1 for each and every day he has been in the hospital, and for which he has not already paid as herein provided. When an officer has employed a special attendant, he shall pay 30 cents a day additional for each day such attendant was subsisted in the hospital. Company officers of volunteers, while in such officers' general hospital, shall be considered as "on detached service without troops," for the purpose of drawing their pay and settling their indebtedness to the hospital, and may be paid on separate pay accounts instead of on the muster and pay rolls.

IV. When an officer is not provided with money, and is unable to obtain it, he will give a certificate of indebtedness, in triplicate, to the treasurer of the hospital, in such form as shall be prescribed by the Surgeon-General, for the amount due from him to the hospital. The treasurer shall immediately forward, for stoppage, two copies of the certificate to the chief paymaster of the pay district in which the hospital may be located, retaining the remaining copy for his own reference and security. When an officer is discharged from the hospital to return to a regiment serving beyond the limits of the pay district in which such hospital is located, the treasurer shall forward the certificates of indebtedness which the officer may have given to

the proper chief paymaster, if known to him, otherwise, to the Paymaster-General, for such reference.

V. The chief paymaster of the pay district will immediately cause the certificates of indebtedness to be placed in the hands of the paymaster of the hospital (or of the regiment, should the officer have left the hospital), with instructions to stop the amounts on the first payment of the officers by whom the certificates were given. The paymaster will take the receipt of each officer for the full amount of his pay account, and transmit the deducted sums to the treasurer of the hospital to which they are due, who will indorse receipt therefor upon the duplicate certificates in the paymaster's hands, or furnish duplicate abstracts of receipts signed by him, and embracing in one receipt the names of all the officers on whose accounts the sums have been remitted. The paymaster will also forward monthly an abstract of certificates thus paid to the Surgeon-General.

VI. Officers of the Subsistence Department will make separate abstracts of the sales to each officers' general hospital during each calendar month, and will report the same to the Commissary-General of Subsistence in the manner provided by regulations in relation to sales to officers. Payment for stores thus purchased of the Subsistence Department shall be made by the treasurer monthly, and in cash when practicable; but when the treasurer has not money on hand sufficient to liquidate the entire indebtedness of the hospital to the Subsistence Department, he shall give to the commissary accountable for the stores sold a certificate of indebtedness, in duplicate, for the amount remaining unpaid, which certificate shall be a valid claim against the hospital, and be paid from the first moneys received thereafter by the treasurer, and until paid shall be considered as a sufficient cash voucher to the commissary for the amount stated therein. When the treasurer pays this certificate of indebtedness he shall take the receipt of the commissary for the amount thus paid him, and shall report his action in this matter to the Commissary-General of Subsistence, stating the date and amount of each certificate thus canceled, the name of the commissary receiving the money therefor, &c.

VII. Medical directors of armies in the field, when necessary, will establish temporary hospitals in the rear of such armies, to be governed by the following regulations:

Medical directors of armies and of departments and medical inspectors will frequently inspect officers' general hospitals, and in addition to the usual course of hospital inspection they will investigate the manner in which the treasurer performs his duties, and promptly report any neglect on his part to the Surgeon-General.

VIII. No officer whose certificate of indebtedness to a hospital remains unpaid by him shall receive pay without deducting therefrom the amount of this indebtedness and leaving it in the hands of the paymaster, who shall give him duplicate receipts therefor, one of which the officer shall immediately forward to the treasurer of the hospital for which the stoppage is made. A violation of this paragraph will subject the officer so offending to court-martial for disobedience of orders.

IX. When an officer dies in hospital the treasurer shall immediately ascertain the amount of his indebtedness to the hospital, and prepare an account thereof in triplicate, which shall be certified to be correct by both the treasurer and the surgeon in charge. One copy of this account shall be retained by the treasurer and the remaining two copies be forwarded to the Second Auditor of the Treasury, in

order that upon the final settlement of the officer's accounts the amount of his indebtedness may be deducted from any pay due him and remitted to the treasurer of the hospital.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, }
No. 41. }

HEADQRS. DEPARTMENT OF THE GULF,
Alexandria, La., March 29, 1864.

I. In accordance with the provisions of General Orders, No. 35, issued at headquarters Department of the Gulf, March 11, 1864, elections will be held the 2d day of April, at 9 a. m., at Opelousas for the election of three delegates to represent the parish of Saint Landry; at Marksville, for the election of two delegates to represent the parish of Avoyelles; at Harrisonburg, for the election of four delegates to represent the parish of Catahoula; at Alexandria, for the election of four delegates to represent the parish of Rapides, in the convention to be held in the city of New Orleans on the 6th day of April, 1864, for the revision and amendment of the constitution of the State of Louisiana.

II. Every free white male twenty-one years of age who has been a resident of the State twelve months, and six months in the parish in which he offers to vote, who is a citizen of the United States, and who shall have taken the oath prescribed by the President in his proclamation of the 8th of December, 1863,* shall have the right to vote in the election of delegates.

III. Citizens of the State who have been expelled from their homes by the public enemy on account of their devotion to the Union, and who would be qualified voters in the parishes to which they belong, will be allowed to vote for delegates in the election precincts in which, for the time being, they may reside.

IV. A. Casabat, N. Taylor, H. T. Burgess and ——— are hereby appointed commissioners of election for the parish of Rapides; M. B. Wells, R. W. Talafierlo, C. A. Hooper, and ——— Hawkins, for the parish of Catahoula; N. Jenkins, J. J. Beauchamp, and Jonas Wales, for the parish of Saint Landry; T. J. Edwards and W. Masters, for the parish of Avoyelles; and will make all necessary arrangements for the opening and closing of the polls, and return of the votes given to the secretary of state, as provided in the election of members in the General Assembly.

By command of Major-General Banks:

GEORGE B. DRAKE,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., March 29, 1864.

Col. J. B. Fry,

Prov. Mar. Gen. of the United States, Washington, D. C.:

COLONEL: I am instructed by the Secretary of War to request you to instruct the officers of your department in the State of West Virginia to enlist into the service of the United States for three years or

* See Series II, Vol. VI, p. 699.

during the war all colored persons of suitable age and condition who may offer themselves for enlistment. After enlistment they will be assigned to the Forty-fifth Regiment U. S. Colored Troops and sent to Lieut. Col. H. A. Oakman, Thirtieth Regiment U. S. Colored Troops, at Clarksburg, Va.

I have the honor to be, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

LOUISVILLE, *March 29, 1864.*

Col. J. B. FRY,
Provost-Marshal-General:

Loyal slave-holders willing to abide by the law, or to allow their slaves to volunteer, complain that they run off in great numbers for Canada to escape military service. Can any check be applied under the law to prevent this? Answer by telegraph immediately.

W. H. SIDDELL,
Major and Acting Assistant Provost-Marshal-General.

(Indorsement.)

Shown to Secretary March 31. File.

J. B. F.

[MARCH 30, 1864.—For General Orders, No. 128, War Department, Adjutant-General's Office, promulgating the President's proclamation of March 26, 1864, defining the cases in which insurgent enemies are entitled to the benefits of the proclamation of December 8, 1863, see Series II, Vol. VI, p. 1113.]

WAR DEPARTMENT,
Washington City, March 30, 1864.

Governor MURPHY,
Little Rock, Ark.:

Your telegram to the President of the 27th [26th] instant has been referred to this Department. Three hundred dollars bounty is not payable to new recruits after the 1st of April. In respect to funds for organizing the State government, examination has been directed as to whether any advance can be made out of existing appropriations, and the result will be communicated to you in a few days. Your communications on these subjects should be addressed to this Department.

EDWIN M. STANTON,
Secretary of War.

NATCHEZ, MISS., *March 30, 1864.*

Maj. Gen. W. T. SHERMAN,
Commanding Military Division of the Mississippi:

DEAR GENERAL: I received your letter of the 11th instant* at this place, which will account for your not receiving an answer by your bearer of dispatches. I thank you very kindly for it. I regret exceedingly that I did not see you on my way down the river, as I wished to have a full conversation respecting the President's orders

*See Series I, Vol. XXXII, Part III, p. 56.

to immediately go on the Mississippi River and take control of the plantation system. Last year the abandoned plantations were taken possession of by me as a necessity, in order to provide labor for the large number of negroes coming within our lines. I was glad to be relieved of the business this year, and glad that it was transferred to the Treasury Department, but feeling satisfied that without the aid of the military it could not successfully be carried out, and so stated to the Secretaries of War and the Treasury. The Treasury agents adopted rules which could not be carried out, and the troops being mainly withdrawn from the west side of the river, lessees had to leave their plantations, as they were subject to frequent inroads of guerrillas, and the negroes could not be induced to remain on them. I found this state of things, and at once modified the system adopted by Mr. Mollen, and asked General McPherson to give me some troops to restore confidence to the lessees. The general cheerfully acceded to my wishes. I agree with you perfectly that placing troops on the banks of the Mississippi is no way to give protection to the river. Your operations did certainly cover the east bank of the river, but Hawkins' brigade, at Haines' Bluff, has not prevented raid upon raid in the neighborhood of Skipwith's Landing. I should like to see a brigade at Harrisonburg, with orders to maneuver up the Washita and Texas, which would effectually cover the district. I do not wish to interfere in the disposition of the troops, and prefer leaving it to the proper commanders; still, general, you must see that with no troops on the west bank of the river, except at Helena, there would be very little or no protection to plantations. The operations of the forces against the rebels I regard as paramount, and, if necessary, all other minor interests must give way, but if the operations can be successfully carried on and these minor interests be protected, then I think it should be done. My special duties here are to organize colored troops, and I expect full co-operation on the part of all military commanders to enable me to execute those special orders of the Secretary of War. The President has taken an interest in the plantation system, and I desire fully to execute his orders. I have left it in the hands of the Treasury agents, subject to my supervision and control. I congratulate you on your assignment to your high and responsible command, and feel in my own mind that you are equal to the trust. May your military operations be crowned with brilliant success.

Sincerely and truly, yours,

L. THOMAS,
Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 131. } *Washington, March 31, 1864.*

General Orders, No. 75, series of 1862, are hereby rescinded, and the following orders will govern hereafter in lieu thereof:

I. In organizing new regiments or independent companies of volunteers the Governors of States are hereby authorized to appoint, in addition to the staff officers heretofore authorized, one second lieutenant for each company, who shall be conditionally mustered into service at the date of his appointment. Any officer thus appointed and mustered shall only be entitled to be paid on the muster and pay roll of his company, and should he fail to enlist an organized company within such time as the War Department may designate, the men enlisted by him shall be transferred to some other company, his

appointment shall be canceled, and he shall be discharged without pay, unless the Governor give him a position in the consolidated company to which his men shall have been transferred.

II. Mustering officers will report promptly to the Adjutant-General of the Army the name of every recruiting lieutenant mustered into the service by them, under a conditional letter of appointment, together with the company and regiment for which he is recruiting. Officers will be mustered into the service only on the authority of the Governor of the State to which their regiments belong.

III. Articles of enlistment will be made out in duplicate by such recruiting officers, and will be disposed of as provided by paragraph 15, page 80, Recruiting Regulations, Volunteer Service. Recruits will be sent to the regimental rendezvous at least as often as once a week, where they will be immediately examined by the surgeon of the regiment, or other surgeon employed for that purpose by the superintendent volunteer recruiting service, and, if found unfit for duty by reason of permanent disability, will be discharged from the service forthwith by the U. S. mustering officer, who will report such discharges to the superintendent volunteer recruiting service, and also to the adjutant of the regiment, noting particularly those cases where the disability was obvious at the time of enlistment. As soon as the organization is complete, it shall be carefully inspected and mustered by a U. S. mustering officer, who will see that at least the minimum number of each company is present; no absentees will be counted.

IV. Until regiments or independent companies are organized and mustered in they will be under the control of the Governor of the State; but all requisitions for quartermaster, medical, and ordnance stores, all contracts for fuel, straw, and subsistence, and all requisitions for transportation, must be approved by the superintendent of volunteer recruiting service for the State or division.

V. No accounts for expenses incurred in raising new organizations shall be paid by disbursing officers unless approved by the superintendent of volunteer recruiting service.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, April 2, 1864.

Ordered, That the Executive order of September 4, 1863, in relation [to] the exportation of live-stock from the United States, be so extended as to prohibit the exportation of all classes of salted provisions from any part of the United States to any foreign port, except that meats cured, salted, or packed in any State or Territory bordering on the Pacific Ocean may be exported from any port of such State or Territory.

A. LINCOLN.

HDQRS. DIST. OF FLORIDA, DEPARTMENT OF THE SOUTH,
Jacksonville, Fla., April 3, 1864.

Brig. Gen. J. W. TURNER,

Chief of Staff and of Artillery, Department of the South.

GENERAL: If it is the intention of the Government to occupy the State of Florida I would urge upon the general commanding the granting me authority to raise a Florida regiment of white men, to serve

only in this State. I am more than ever convinced that such a regiment would very soon be filled, and would be of great service in bringing the State back to its allegiance.

Very respectfully, your obedient servant,

JNO. P. HATCH,
Brigadier-General, Commanding.

CONGRESS OF THE UNITED STATES,
IN THE HOUSE OF REPRESENTATIVES,
April 4, 1864.

On motion of Mr. Arnold:

Resolved, That the Secretary of War be directed to furnish to this House, if not incompatible with the public interest, a statement of the number of men called into the military service of the United States since March, 1861, the quota of each State under each call, the number furnished, and also the number tendered under each call, the length of time for which they were accepted, what State or States furnished an excess over its quota, and how many; also what State or States did not furnish its quota, and the number deficient.

Attest.

EDW. McPHERSON,
Clerk.
J. CLINTON LLOYD,
Chief Clerk.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 138. } *Washington, April 4, 1864.*

The following act of Congress is published for the information of all concerned:

PUBLIC—No. 36.

AN ACT making appropriations for the support of the Military Academy for the year ending June thirtieth, eighteen hundred and sixty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty-five:

For pay of officers, instructors, cadets, and musicians, one hundred and seventeen thousand one hundred and seventy-six dollars.

For commutation of subsistence, four thousand one hundred and sixty-one dollars.

For pay in lieu of clothing to officers' servants, sixty dollars.

For current and ordinary expenses, as follows: Repairs and improvements, fuel, and apparatus, forage, postage, telegrams, stationery, transportation, printing, clerks, miscellaneous and incidental expenses, and department of instruction, forty-one thousand two hundred and eighty dollars.

For gradual increase and expense of library, one thousand dollars.

For expenses of the Board of Visitors, four thousand dollars.

For forage for artillery and cavalry horses, eight thousand six hundred and forty dollars.

For supplying horses for artillery and cavalry exercise, one thousand dollars.

For repairs of officers' quarters, one thousand five hundred dollars.

For targets and batteries for artillery exercise, one hundred dollars.

For furniture for hospital for cadets, including fixed wash-tubs, hot and cold water bath apparatus and water-closets, one thousand dollars.

For annual repairs of gas pipes and retorts, three hundred dollars.

For warming apparatus for barracks, fifteen thousand dollars.

For rebuilding public wharf and opening approach to the same from the south six thousand dollars.

SEC. 2. *And be it further enacted*, That the thirty-fifth section of the act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March three, eighteen hundred and *and* sixty-three, shall not be deemed hereafter to prohibit the payment to enlisted men employed at the Military Academy of the extra-duty pay heretofore allowed by law to enlisted men when employed at constant labor for not less than ten days continuously.

SEC. 3. *And be it further enacted*, That from and after the first day of July, eighteen hundred and sixty-three, the annual pay of cadets at the Military Academy at West Point shall be the same as that allowed to midshipmen at the Naval Academy, and the amount necessary for that purpose is hereby appropriated.

SEC. 4. *And be it further enacted*, That cadets found deficient at any examination shall not be continued at the Military Academy, or be reappointed except upon the recommendation of the Academic Board.

SEC. 5. *And be it further enacted*, That no part of the money hereby appropriated shall be applied to the support or pay of any cadet hereafter appointed not in conformity with the expressed provisions of law regulating appointments of cadets at that Academy.

Approved April 1, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 32. } *Washington, April 4, 1864.*

The discharge and final statements for pay of all men forwarded to naval stations for enlistment in the Navy in obedience to General Orders, Nos. 91 and 123, should be made out by the proper officers and put in the hands of the officer who conducts the men to the naval station. The Paymaster-General will designate an officer of his department who will pay at each naval station all the transferred men who may be accepted by the naval authorities everything due them from the Army up to the date of their discharge by transfer to the Navy. The discharge papers of such men as are sent back to their companies because they are not accepted by the Navy will be canceled.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

ORDERS No. 16.] NEW ORLEANS, LA., *April 4, 1864.*

All troops of African descent in the Department of the Gulf will hereafter be designated as regiments of U. S. cavalry, heavy artillery, light artillery, or infantry (colored). Such regiments as may hereafter be put in process of organization will be reported to Brig. Gen. L. Thomas, Adjutant-General U. S. Army, at Vicksburg, Miss., in order that they may receive their proper number.

CAVALRY.

First Cavalry, Corps d'Afrique, as the Fourth.

HEAVY ARTILLERY.

First Regiment Heavy Artillery, Corps d'Afrique, as the Seventh.

First and Second Battalions, Fourteenth Regiment Rhode Island Heavy Artillery, Corps d'Afrique, as the Eighth.

INFANTRY.

4th Regiment Infantry, Corps d'Afrique, as the Seventy-third.
 5th Regiment Infantry, Corps d'Afrique, as the Seventy-fourth.
 6th Regiment Infantry, Corps d'Afrique, as the Seventy-fifth.
 7th Regiment Infantry, Corps d'Afrique, as the Seventy-sixth.
 8th Regiment Infantry, Corps d'Afrique, as the Seventy-seventh.
 9th Regiment Infantry, Corps d'Afrique, as the Seventy-eighth.
 10th Regiment Infantry, Corps d'Afrique, as the Seventy-ninth.
 11th Regiment Infantry, Corps d'Afrique, as the Eightieth.
 12th Regiment Infantry, Corps d'Afrique, as the Eighty-first.
 13th Regiment Infantry, Corps d'Afrique, as the Eighty-second.
 14th Regiment Infantry, Corps d'Afrique, as the Eighty-third.
 15th Regiment Infantry, Corps d'Afrique, as the Eighty-fourth.
 16th Regiment Infantry, Corps d'Afrique, as the Eighty-fifth.
 17th Regiment Infantry, Corps d'Afrique, as the Eighty-sixth.
 18th Regiment Infantry, Corps d'Afrique, as the Eighty-seventh.
 19th Regiment Infantry, Corps d'Afrique, as the Eighty-eighth.
 20th Regiment Infantry, Corps d'Afrique, as the Eighty-ninth.
 21st Regiment Infantry, Corps d'Afrique, as the Ninetieth.
 22nd Regiment Infantry, Corps d'Afrique, as the Ninety-first.
 23rd Regiment Infantry, Corps d'Afrique, as the Ninety-second.
 24th Regiment Infantry, Corps d'Afrique, as the Ninety-third.
 25th Regiment Infantry, Corps d'Afrique, as the Ninety-fourth.
 26th Regiment Infantry, Corps d'Afrique, as the Ninety-fifth.
 27th Regiment Infantry, Corps d'Afrique, as the Ninety-sixth.
 28th Regiment Infantry, Corps d'Afrique, as the Ninety-seventh.
 29th Regiment Infantry, Corps d'Afrique, as the Ninety-eighth.
 30th Regiment Infantry, Corps d'Afrique, as the Ninety-ninth.
 Order of the Secretary of War:

L. THOMAS,
Adjutant-General.

NORWICH, CONN., *April 4, 1864.*
 (Received 1 a. m. 5th.)

E. M. STANTON:

on State ticket elected. Majority probably over 6,000. Gain
 co [3,000?]. Union Senators all right.

WM. A. BUCKINGHAM,
Governor of Connecticut.

STATE OF NEW YORK, EXECUTIVE DEPARTMENT,
Albany, April 4, 1864.

J. B. STONEHOUSE:

AR SIR: I am informed that agents from States other than New
 York are enlisting men from a New York corps now at Rush Barracks,
 Kingston, to fill the quotas of the States they represent. I learn

that a large number have been thus enlisted for New Jersey, the agents paying from \$350 to \$375. Massachusetts, I am informed, has done the same, paying \$400 cash down. All this is done under a recent general order by which men re-enlisting can be credited to any State they see fit. This is all wrong, and should be remedied at once if possible. I wish you would ascertain the facts and report to me at once.

Truly, yours, &c.,

HORATIO SEYMOUR.

It may be that no such order as the one herein referred to exists.

WAR DEPARTMENT,
Washington City, April 5, 1864.

Hon. HANNIBAL HAMLIN,
President of the Senate:

SIR: I transmit herewith the report of the Adjutant-General, made in compliance with the resolution of the Senate dated March 22, 1864, calling for the number of troops raised for nine months' service under the act of July 17, 1862, specifying what number have been raised as volunteers and what number as militia; also, whether the bounty of \$25, provided in the third section of said act, has been paid to all the volunteers so raised, and if not, to what number, and for what reasons said bounty has been withheld from any such volunteers; also, whether said bounty has been paid to any of the militia called out under said act.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

[Inclosure.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., April 5, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: In reply to a resolution of the Senate dated March 22, 1864, relative to the number, &c., of nine-months' troops called out under the act of July 17, 1862, and which was referred to this office, I have the honor to report as follows:

First. Number of troops raised or received into service under said act:

Nine-months' volunteers	18,884
Nine-months' militia	66,905
Total	84,189

Second. The bounty of \$25 has been paid to all the volunteers (18,884) accepted under said act. This number was called out by the Governor of Pennsylvania without any call being made by the President for such volunteers.

No call under that section was made upon any State, but the men having been raised, as stated, in Pennsylvania, and the bounty provided by that section promised them by the Governor of that State, the President, under these circumstances, determined to accept them into the service as nine-months' volunteers.

The said 18,884 volunteers from Pennsylvania are all the nine-months' volunteers that were accepted.

Third, Bounty has been paid to five regiments of Vermont nine-months' militia, numbering 3,934 men, but without authority from this Department. The payments of the bounty to this class of troops resulted from the U. S. mustering officers and paymasters erroneously thinking that the troops were nine-months' volunteers.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., April 5, 1864.

Hon. J. W. CRIMES,

U. S. Senate:

SIR: I attach hereto a report of remarks made yesterday in the Senate by Hon. Henry Wilson, chairman of Military Committee, U. S. Senate, regarding the recruiting service, in regard to which I take the liberty of stating to you as follows:

Mr. Wilson asserts that "the Government does not know how to enlist men," and that "if we authorize the States to raise men they could raise 100,000 quicker than the Government can raise 5,000." This assertion is not sustained by recorded facts. Since March, 1863, the recruitment of men has been conducted mainly by the General Government. The results, with which you are acquainted, show a decided success in this business, notwithstanding the fact that volunteering under the old system, controlled by State authorities, was dead at the time the General Government took hold of it. There has been one special exception made in the plan now in operation of recruiting by the General Government. That exception is the State of Massachusetts, which Mr. Wilson represents as a Senator. In that State entire control has been left with the Governor. I regret to say that the results, as compared with those in most other States where the General Government has mainly conducted the business, are very unfavorable. As the zeal, ability, and loyalty of the Governor of Massachusetts are acknowledged, and the circumstances attending recruiting in that State do not differ essentially from those in the neighboring States, is it not reasonable to assume that the system there is not so good as that pursued elsewhere?

When called upon by Senator Wilson I have, from time to time, shown him tables of the progress and results of the recruiting service, and he has expressed himself satisfied with them, and has remarked that we have raised enough men.

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington, D. C., April 5, 1864.

Governor BUCKINGHAM,

Norwich, Conn.:

Accept for yourself and the patriotic people of your State my hearty congratulations for the great victory you have achieved in behalf of our country.

EDWIN M. STANTON.

WAR DEPARTMENT,
Washington City, April 6, 1864.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.:

SIR: The Secretary of War instructs me to acknowledge the receipt of your letter of the 4th instant, suggesting that 1,000 seamen may be transferred from the command of Major-General Gillmore to the South Atlantic Squadron, to be credited to the 12,000 to be transferred from the Army to the Navy, and in reply to inform you that the order has been issued in conformity therewith, which will be telegraphed to New York, to be sent by the regular steamer, which leaves to-morrow.

I have the honor to be, your obedient servant,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

CIRCULAR {
No. 33. }

WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, April 6, 1864.

1. So much of War Department General Orders, No. 105, of 1863, as forbids the "discharge of any man upon surgeon's certificate of disability who may be fit for service in the Veteran Reserve Corps" is so far modified as not to include enlisted men who have less than six months to serve.

2. Enlisted men transferred to the Veteran Reserve Corps who may have served more than two years, and who desire to re-enlist in that corps for three years, may do so, and will be paid the bounty for former service, as provided by existing orders of the War Department. Furloughs not exceeding thirty days may be granted to men re-enlisting in the Veteran Reserve Corps, at the discretion of the proper commanding officers. Men who enlist or re-enlist in the Veteran Reserve Corps will be credited the same as other troops, but are not entitled to any bounty or premium from the United States for such re-enlistment.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, {
No. 140. }

WAR DEPT., ADJT. GENERAL'S OFFICE,
Washington, April 6, 1864.

18. In addition to his duties as commander of the District of Kentucky, Brig. Gen. S. G. Burbridge, U. S. Volunteers, is charged, under the direction of the proper bureaus of this Department, with a general superintendence of the execution of the acts of Congress for raising troops in Kentucky by voluntary enlistment and by drafting. The assistant to the provost-marshal-general of the State will continue in the performance of the duties heretofore assigned him, but will receive from General Burbridge such orders as the latter may deem necessary to secure the most prompt and faithful execution of the laws in question.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 154. } Washington, April 7, 1864.

Brig. Gen. James H. Wilson, U. S. Volunteers, is hereby relieved as Chief of the Cavalry Bureau of the War Department, and will report to Lieutenant-General Grant for assignment to duty.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
OFFICE MILITARY DIRECTOR AND
SUPERINTENDENT RAILROADS OF UNITED STATES,
Washington, April 8, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: Having learned that doubts have been expressed as to the necessity for purchasing the large equipment recently contracted for, to be used in working the railroads in the Military Division of the Mississippi, I beg to call your attention to the following extract from my report to you, under date of January 9, 1864:

When the Northwestern Railroad and the line from Chattanooga to Knoxville are completed, the following lines will be in operation:
Northwestern Railroad, from—

	Miles.
Nashville to the Tennessee River	72
Nashville to Chattanooga	151
Nashville to Stevenson via Decatur	185
Chattanooga to Knoxville	111
Whole distance	519

To work these lines I am informed that there is on hand, or will soon be, 70 locomotives and 600 freight cars. This supply is entirely inadequate. I may say here that on certain emergencies we had in use between Washington and Culpeper 60 locomotives and 800 cars, a distance of 70 miles. It is true, this was an extreme case, but one not unlikely to occur on all military railroads.

The railroad from Aquia Creek to Palmyra, distance 14 miles, required at times 14 locomotives and 105 cars.

The ordinary supply of rolling-stock in use upon the various railroads in this country will average 1 locomotive and 12 freight cars to every 2 miles in length of road in use, and on many lines the supply is even greater.

Thus, according to the above statement, the 70 locomotives will be barely sufficient to stock 140 miles, and 600 cars sufficient only to stock 100 miles of railroad. Add to this the liability to destruction by raids, and the necessity of being prepared, if possible, for sudden and rapid movements, it is apparent that with the present equipment no advance of the army can be made, if I am correct in assuming that it must depend upon railroads for supplies. There should be on hand in this department not less than 200 locomotives and 3,000 cars, which should be added to as the army advances southward from Knoxville.

It may be said, in answer to the above, that while many miles are to be operated, the actual tonnage hauled is less than upon lines operated by and belonging to private corporations. This is undoubtedly true, but the difficulties surrounding the operating of all military railroads much more than compensate for the difference in tonnage, the necessity of being at all times prepared to make rapid and large movements, both in advance and retreat, to save not only the supplies, but the rolling-stock itself, which, even under the most careful management, is sometimes destroyed to save it from the enemy, and is

frequently at the mercy of the latter. The great difficulty in properly guarding a long line increases the hazard; and although the movement may be comparatively light, the difficulties attending the same are much greater than any railroad manager, no matter how competent as such, but without experience and a proper understanding of the military service, can possibly estimate.

In addition to the facts stated, we are called upon suddenly to reconstruct lines, on which a large portion of rolling-stock is required. This is an important item, and one which would not ordinarily be taken into account. As an illustration, we have at this moment in use in repairs and construction of railroads in the Military Division of the Mississippi 18 locomotives and 180 cars. After an experience of many years as a railroad manager, and having been for more than two years engaged in operating military railroads, I feel that I hazard nothing in the assertion that the most competent railroad manager in this country, if without military railroad experience, would find in attempting the work that the requirements of the service would set at naught all his former opinions and experience.

Your recent order directing the purchase of locomotive engines has been executed to the best of my ability. The duty was a delicate one, interfering, as it unavoidably does, with almost every railroad company in the country; add to which a strong disposition on the part of manufacturers to combine, and thus make a large advance on market prices. Had their clamor been yielded to I would have been subjected not only to the censure of yourself, but would have drawn down upon my acts the united condemnation of the whole railroad interests. The manufacturers were distinctly informed that the Government would not pay \$1 above the market price, and in case of a refusal to comply I should ask for authority to manufacture the machinery on Government account. I have thus succeeded fully in performing the responsible duty imposed without incurring the displeasure of any.

Hoping that my actions will meet your approval, I am, very respectfully, your obedient servant,

D. C. McCALLUM,
*Colonel, Director and General Manager
Military Railroads United States.*

HEADQUARTERS OF THE ARMY,
April 8, 1864.

Colonel TOWNSEND and
Colonel FRY:

Lieutenant-General Grant wishes that active measures be taken to get into the field all recruits, new organizations, and all old troops that can be spared. Those in Ohio and east of that State to rendezvous at Washington, and those west of that State at Louisville. This does not apply to veterans who should return to their commands, nor to recruits raised for particular corps, unless otherwise especially ordered. The above instructions should be given to all who can assist in their execution as soon as possible. I have directed General Heintzelman to inspect and report to you in regard to his department.

H. W. HALLIDAY,
Major-General and Chief of Staff.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., April 8, 1864.

Maj. W. H. SIDDELL,
Acting Assistant Provost-Marshal-General, Louisville, Ky.:

Lieutenant-General Grant directs that active measures be taken to get into the field all recruits, new organizations, and all old troops that can be spared. Those in your State will rendezvous at Louisville, Ky. This does not apply to veterans, who should return to their commands, nor to recruits raised for particular corps, unless otherwise specially ordered. Execute this order as soon as possible.

JAMES B. FRY,
Provost-Marshal-General.

Operator will please send similar dispatch to following:

Col. E. B. Alexander, Saint Louis, Mo.; Col. Conrad Baker, Indianapolis, Ind.; Lieut. Col. James Oakes, Springfield, Ill.; Lieut. Col. Bennett H. Hill, Detroit, Mich.; Maj. Thomas Duncan, Davenport, Iowa; Col. James D. Greene, Madison, Wis.; Lieut. Col. John T. Averill, Saint Paul, Minn.; Capt. Sidney Clarke, Leavenworth, Kans.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., April 8, 1864.

Maj. J. W. T. GARDINER,
Acting Assistant Provost-Marshal-General, Augusta, Me.

Lieutenant-General Grant directs that active measures be taken to get into the field all recruits, new organizations, and all old troops that can be spared. Those in your State will rendezvous at Washington. This does not apply to veterans, who should return to their commands, nor to recruits raised for particular corps, unless otherwise specially ordered. Execute this order as soon as possible.

JAMES B. FRY,
Provost-Marshal-General.

Operator please send similar dispatch to the following:

Capt. William Silvey, Concord, N. H.; Brig. Gen. T. G. Pitcher, Brattleborough, Vt.; Maj. F. N. Clarke, Boston, Mass.; Capt. Wesley Owens, Providence, R. I.; Maj. D. D. Perkins, Hartford, Conn.; Brig. Gen. William Hays, New York City; Maj. Frederick Townsend, Albany, N. Y.; Maj. A. S. Dixon, Elmira, N. Y.; Lieut. Col. R. C. Buchanan, Trenton, N. J.; Maj. C. C. Gilbert, Philadelphia, Pa.; Lieut. Col. J. V. Bomford, Harrisburg, Pa.; Col. N. L. Jeffries, Baltimore, Md.; Lieut. Col. Joseph Darr, jr., Wheeling, W. Va.; Col. J. H. Potter, Columbus, Ohio.

HEADQUARTERS NORTHERN DEPARTMENT,
Columbus, Ohio, April 8, 1864.

Maj. Gen. H. W. HALLECK,
General-in-Chief U. S. Army, Washington, D. C.:

GENERAL: At 11 p. m. 2d of March I received your telegram directing me to repair forthwith to Paris, Edgar County, Ill., to assist the civil authorities in restoring order and enforcing the law. I left immediately on the 2.05 a. m. train. I took advantage of a delay of a couple of hours at Indianapolis to see Governor Morton and learned

that there was no serious outbreak. Before leaving here I telegraphed to Governor Yates to communicate with me at Terre Haute, but got no reply from him.

The next morning a little before daylight I took a freight train and reached Paris at 8 a. m. on the 4th of March. I immediately put myself in communication with some Union persons to whom I had been referred and learned substantially what had been told me at Terre Haute.

I again telegraphed to the Governor inquiring what he wished done. I soon after got answer to my first telegram through Terre Haute.

At 3 p. m. on the 4th Captain Hill, with sixty men of the Invalid Corps, arrived from Chicago. I quartered them in the court-house. An hour later got a telegram from Governor Yates that Colonel Oakes was on his way to Paris. In the night Colonel Oakes arrived. At 2.50 p. m. on the 5th some forty more men arrived from Springfield. I left in the same train for my headquarters. As Lieutenant-Colonel Oakes' services are indispensable for the draft, I ordered him to return to Springfield in the next train. The troops under Captain Hill will remain at Paris for the present.

I procured a statement of the different officers and of the condition of the disloyals and inclose them with copies of all telegrams received and sent.*

This man Johnson is said by some to be an escaped prisoner of war from Camp Chase and under an assumed name. If I can trace him and find this true, I will direct the arrest of a few of the most troublesome in the vicinity of Paris, which would aid in quieting this ill-feeling. I think it advisable that the troops now there should remain for the present.

I inclose descriptions of the last affair; one from the loyal the other from the disloyal paper of the town.*

I have the honor to be, general, very respectfully, your obedient servant,

S. P. HEINTZELMAN,
Major-General.

PHILADELPHIA, PA., April 8, 1864.

I hereby certify that the city of Philadelphia has paid relief to families of residents of the city mustered into the service from May, 1861, to July 1, 1863, as follows:

Men mustered for three years	10,085
Men mustered for two years	79
Men mustered for one year	41
Total	10,165

This relief is only given when volunteers in service have left families who were dependent upon them. I have served as secretary to the commission for distributing this relief from its organization, April 26, 1861, until the present time, and from my observation I know that considerably less than one-half of the volunteers from this city have had families who have applied for this relief.

SAMUEL C. DAWSON,
Secretary.

*See Halleck to Heintzelman, March 2, p. 149; Yates to Heintzelman, March 3, p. 150; Yates to Heintzelman, March 4, p. 152; Heintzelman to Halleck, March 5, p. 155. All other inclosures omitted.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., April 9, 1864.

COL. JAMES B. FRY,
Provost-Marshal-General:

COLONEL: I have the honor to submit the following report in reference to a communication addressed to Maj. J. B. Stonehouse by His Excellency Horatio Seymour, Governor of New York, concerning the accrediting of re-enlisting men of the Veteran Reserve Corps to other States than those to whose regiments they belonged when in active service.*

The differentia of the Veteran Reserve Corps, distinguishing it from the volunteer service, is the same as that of the Regular Army; it is a national organization. This is readily seen when we consider that the one is officered by the General Government, the other by the Executives of the States. The best evidence, however, of the nature and nationality of the Veteran Reserve Corps lies in the fact that individual companies and regiments are not composed of men from the same county or State, but that in each one representatives of all the States may be found. This being so, the same regulations which govern the accrediting of men who re-enlisted in the Regular Army should also do so in the Veteran Reserve Corps (*similia similibus*). The decision of the point mooted by His Excellency Horatio Seymour, Governor of New York, must therefore be made in accordance with these regulations. Paragraph 3, Circular No. 6, Adjutant-General's Office, January 20, 1864, is explicit:

Soldiers re-enlisting will be credited to the localities to which the re-enlistments show them as belonging. They will be allowed to select the places from which they prefer to re-enlist, and that selection will determine the quotas on which they will be credited.

The fact, therefore, that the soldier once belonged to a New York regiment is not a sufficient reason why he should always be bound to give that State the benefit of his service. The records of the Army show that many of the regiments from that State and others were composed in part, at least, of recruits drawn into them by the inducements held out by both State influence and private enterprise. Who is to determine when those men come to re-enlist, if they ever do so, to what State they shall be accredited? Even were they re-enlisting in active regiments it would be necessary to give them the privilege of determining the locality to which they would be accredited; whether to their native State or to another. The enlisted man of the Veteran Reserve Corps certainly has an equal claim to this choice, apart from the peculiar right he acquires from the nature of the corps to which he belongs.

Again, the justice and humanity of depriving him of a bounty which the liberality of any State may bestow, may well be questioned. If Massachusetts or New Jersey could succeed in filling their quotas by securing the credit of all re-enlisted men of the Regular Army, without incurring censure, they should also do so, the Veteran Reserve Corps being in question. The re-enlistments to which Governor Seymour refers were made. It is unnecessary to specify the number. The right on the part of the agent of any State to secure as

*See p. 216.

many of them as he can is unquestionable. The nature of the corps permits and the law sanctions it.

I am, very respectfully, your obedient servant,

M. N. WISEWELL,

Colonel and Assistant to Provost-Marshal-General.

Since writing the above a ruling has been obtained from the Adjutant-General's Office declaring that the men of the Veteran Reserve Corps may be re-enlisted and accredited in the same manner as the men of the Regular Army. I have also the honor to inform you that a table has been prepared of all the enlisted men who have been transferred to the Veteran Reserve Corps from New York regiments. This table with your approval will be held subject to the order of the adjutant-general of New York, should he wish to use it for the purpose of re-enlisting any of them.

WAR DEPARTMENT,

Washington City, April 11, 1864.

Col. J. B. Fry,

Provost-Marshal-General:

COLONEL: Your letter of the 5th instant has been received, in which you inform me that complaints have been made in some instances "that the enrollments are excessive," and you "request my opinion as to the legal and most proper mode of proceeding under the circumstances herein set forth."

In reply, I have the honor to say that the original enrollment was made in strict pursuance of the provisions of the act of March 3, 1863, chapter 75; and though some names were omitted which should have been added, and other names were inserted which should have been omitted, yet, considering the novelty of the law, the great number of officers acting under it without experience, and the magnitude and difficulty of the labor they were called on to perform, it is remarkable that the enrollment was so speedily and correctly made.

In order to remove, as far as practicable, any errors from the lists of names, you issued an order, No. 101, under date of November 17, 1863, in which you authorized and required the collection of all facts necessary for that purpose. This order was carried into effect. Not willing, however, to leave untried any means within your power of discovering mistakes in the enrollment, you went beyond the requisitions of the statutes and ordered printed lists of all the enrolled men to be prepared and made public, so that in every community the citizens might have an opportunity to aid you in the performance of a high public duty while protecting themselves against all liability to bear an unequal share of the public burdens.

Having taken this precaution, and having given to all concerned the power to have all existing errors corrected, and having amended the lists according to the best of your information, the fact that any mistakes still remain must be owing to the negligence or willful fault of those who now make complaint. The law requires you to proceed with the draft according to the enrollment as it stands at the date of the draft, and there is no other way for you to perform your duty than to take the lists then prepared.

If any over-draft is made at the present time the excess will be taken into account in arranging the quota for the next succeeding draft if more troops should be required.

WILLIAM WHITING,

Solicitor of the War Department.

HQRS. MILITARY DIVISION OF THE MISSISSIPPI,
Nashville, Tenn., April 12, 1864.

General LORENZO THOMAS,
Adjutant-General U. S. Army, Vicksburg, Miss.:

DEAR GENERAL: Yours of March 30, from Natchez, is received, and I take pleasure in answering. I confess I fear to embrace any plan that can reconcile all objections, but am willing to say that I will use all my official power and influence to carry out yours or that of the War Department. My objections to the plantation scheme are purely military. The Mississippi is a long, weak line, easily approached from the rear. Plantations of, say, three whites and fifty blacks to a mile of river can be broken at any point by a guerrilla band of 100 with perfect impunity. You and I know the temper of the whites in the South.

I heard a young lady in Canton, educated at Philadelphia, who was a communicant of a Christian church, thank her God that her negroes, who had attempted to escape into our lines at Big Black, had been overtaken by Ross' Texas brigade and killed. She thanked God, and did so in religious sincerity. Now, a stranger to the sentiment of the South would consider this unnatural, but it is not only natural but universal. All the people of the South, old and young, rich and poor, educated and ignorant, unite in this, that they will kill as vipers the whites who attempt to free their slaves, and also the "ungrateful slaves" who attempt to change their character from slave to free.

Therefore, in making this change, which I regard as a decree of nature, we have to combat not only with organized resistance of the Confederate forces, but the entire people of the South. Now, I would prefer much to colonize the negroes on lands clearly forfeited to us by treason, and for the Government to buy or extinguish the claims of other and loyal people in the districts chosen. I look upon the lands bordering the Mississippi, Steele's Bayou, Deer Creek, Sunflower, Bogue Phalia, Yazoo, &c., in that rich alluvial region lying between Memphis and Vicksburg, of which Haines' Bluff, Yazoo City, and Grenada are the key points, as the very country in which we might collect the negroes, and where they will find more good land already cleared than in any district I know of, and it would enable the negro at once to be useful.

If, however, the Government prefer the "lossco" system, then I shall favor the occupation by a black brigade of Harrisonburg, and cover as well as may be the Mississippi country lying between the Washita and Yazoo. General Slocum will soon come down, and we believe he will co-operate with you with his whole heart. Of course the possession of Vicksburg is a *sine qua non*. We don't want the task of taking it again; but if he can spare troops he will be instructed, in connection with Natchez, to hold Harrisonburg, with one or more gun-boats up the Washita and Tensas.

Steele is ordered to hold the line of Red River, but I must have Smith's command, which I loaned for but thirty days, and I have reason to know that Banks must swing over against Mobile, so Steele will have only his Arkansas command, and that may be insufficient; of this we cannot judge until we know what is already done. If Shreveport be taken before these orders reach Steele, he may hold that point; otherwise, all he should attempt would be Alexandria, in connection with the gun-boats.

We have sure enough a big job on hand, and the only way is to go on trusting to consequences following naturally grand results. Lee and Johnston must be whipped, and it should not be deferred an hour beyond the first possible practicable moment.

I necessarily write in some haste, but you will catch the drift of my argument.

With respect, your friend and servant,

W. T. SHERMAN,
Major-General, Commanding.

UNOFFICIAL.]

BEAUFORT, S. C., April 12, 1864.

Maj. C. W. FOSTER:

DEAR SIR: Believing that you will not find it unpleasant to have a letter from one of your former constituents, I will send this in Weld's envelope. I am still on my way to Florida, having been caught up in transitu by our friend Major-General Gillmore and put to work here as commandant of the post, General Saxton being engaged on a general court-martial (Gordon's) at Hilton Head. My first experience of the kind was at Fortress Monroe, where Major-General Butler caught me up when I touched for water, and sent me, troops and all, to Suffolk, or rather to the line near Suffolk. I was placed in command of the front, reconnoitered and occupied Suffolk, caught a courier sent by the rebel General Ransom, ascertained the strength and position of the rebels and that they would not attack us, and got relieved. My present position is pleasant and honorable. It was necessary that some one should be here to command, and I was the only officer available of the proper rank. As soon as the general court-martial is over I hope to proceed to Florida.

My Seventh and Ninth Regiments are very much admired in this department. I am proud of having raised two such fine bodies of men. My present ambition is to raise fifteen regiments in the States of South Carolina, Georgia, and Florida. I know you are somewhat startled at this number, but I have studied the subject and think it can be done. Indeed, if I had not wished to maintain my reputation with you for moderation I should have said twenty.

Now for my plan. I offer my services to carry out the executive part of it here, and stake my official honor and position on the result. As my plan involves bringing off large numbers of women and children, as well as men (because you cannot get the latter without bringing off the former), the first step is to make proper and adequate provision for their support. If placed on land, sheltered, and provided with houses, the women and children can support themselves after the first crop, with the aid of the father's pay. Before that time, if near one of the rivers (all abound with fish), they can support themselves, with the aid of the pay of the father, if Government will furnish subsistence at cost. What I ask, therefore, is that the Government shall give the enlisting soldier forty acres of land as a bounty and furnish his family commissary stores at cost. As the land costs nothing to the United States and no loss would accrue from the sale of the commissary stores there is nothing unreasonable in this demand. Other things needed by the families would be supplied by private benevolence at the North. It is implied that the soldiers are to be paid as much as white soldiers. How legislators can imagine we can raise troops, as a permanent thing, at \$7 a month I cannot see. The man must have \$2 for himself, and he cannot support his family on the

other \$5. Hence the great number of desertions in this department. The black soldiers deserted by the score because their families were starving. Colonel Montgomery shot two men, but that did not stop desertion. Congress can stop it by giving the black soldier enough to support his family. "But," you may say to me, "you got recruits in Maryland at \$7 a month." Yes; but the family was left provided for by the master, and where it could be found again, and where the slavery was mild. None of these conditions exist here. Land bounty and equal pay; these being granted I am ready to go to work. The first demand I make of material is four stern-wheel, low pressure, light-draft steam-boats, such as are used on the New England rivers, of staunch build, staunch enough to bear an armament of a 20-pounder Parrott and one howitzer, for grape and canister. The draft should not exceed four feet. As the mean height of the tide here is six and one-half feet, there would not be much danger of running aground. The boats could always be floated off at high tide. These boats would be used as patrols and to protect landings and embarkations. For transporting troops I should want stern-wheel (or side-wheel would do) steam-boats, of light draft and easy turning to the rudder, protected by iron sheeting from musket shots. Protection from artillery I do not regard as possible, being not consistent with the necessary light draft. For that we should depend on the vigilance of our gun-boats and the precision of their fire. To boats like these there are several hundred miles of coast exposed between Charleston and Fernandina. The negroes are now thick on the rice plantations, because we have not raided for a long time. It has been two years since any advance in force was made on the mainland, and the planters are reassured. If these desultory remarks strike you favorably, I will elaborate my views and send them to you. The field here is black for the harvest, and I wish to be in with my sickle.

Very truly, yours,

WM. BIRNEY.

I am much pleased with Major-General Gillmore, but have not had the opportunity of becoming well acquainted with him. He is at Hilton Head, twelve miles from this place.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 158. } Washington, April 13, 1864.

The following act of Congress is published for the information of all concerned:

POMAC—No. 44.

AN ACT to amend section nine of the act approved July seventeenth, eighteen hundred and sixty-two, entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rank of chaplain, without command, in the regular and volunteer service of the United States, is hereby recognized. Chaplains shall be borne on the field and staff rolls next after the surgeons, and shall wear such uniform as is or may be prescribed by the Army Regulations, and shall be subject to the same rules and regulations as other officers of the Army. They shall be entitled to draw forage for two horses, and when assigned to hospitals, posts, and forts, they shall be entitled to quarters and fuel within the hospitals, posts, or forts, while they are so assigned, without the privilege of commutation, subject to the same conditions and limitations as are now by law provided in the case of surgeons. When absent from duty with leave, or on account of sickness or other disability, or when held by the enemy as prisoners

they shall be subject to no other diminution or loss of pay and allowances than other officers in the military service are under like circumstances. And chaplains who have been absent from duty by reason of wounds or sickness, or when held as prisoners in the hands of the enemy, shall be entitled to receive full pay, without rations, during such absence. In all other respects the pay of chaplains shall be the same as now provided by law.

SEC. 2. *And be it further enacted*, That the act approved July fourteenth, eighteen hundred and sixty-two, entitled "An act to grant pensions," is hereby so amended as to include chaplains in the regular and volunteer forces of the Army: *Provided*, That the pension to which a chaplain shall be entitled for a total disability shall be twenty dollars per month, and all the provisions of the act to which this section is an amendment shall apply to and embrace the widows, children, mothers, and sisters of chaplains of the land forces who have died since the fourth day of March, eighteen hundred and sixty-one, or shall die, of wounds or disease contracted in the service of the United States, and while such chaplains are, or shall be, in the line of their duty.

SEC. 3. *And be it further enacted*, That it shall be the duty of chaplains in the military service of the United States to make monthly reports to the Adjutant-General of the Army, through the usual military channels, of the moral condition and general history of the regiments, hospitals, or posts to which they may be attached; and it shall be the duty of all commanders of regiments, hospitals, and posts, to render such facilities as will aid in the discharge of the duties assigned to them by the Government.

SEC. 4. *And be it further enacted*, That all chaplains in the military service of the United States shall hold appropriate religious services at the burial of soldiers who may die in the command to which they are assigned to duty, and it shall be their duty to hold public religious services at least once each Sabbath, when practicable.

Approved April 9, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, D. C., April 13, 1864.

Lieut. Col. JAMES A. ECKIN,
Chief of Cavalry Bureau, Washington, D. C.:

SIR: You will at once proceed in person to the various points where horses are being purchased, either in open market or by contract, for the use of the troops belonging to the Eastern armies, visiting, first, the places where the largest number are reported to be serviceable, and will devote your personal energies to expediting the sending forward of the necessary animals. You will cause arrangements to be made for buying in open market at any points not yet visited by the agents of the Cavalry Bureau, where you may find it practicable to procure horses, reporting such points instantly to this Department, and keeping it advised of the state of the supply at all places of purchase, and of the number of horses forwarded either to the depot at Giesborough, Annapolis, Fortress Monroe, or the Department of West Virginia.

By order of the Secretary of War:

C. A. DANA,
Assistant Secretary of War.

INDIANAPOLIS, *April 13, 1864.*

Hon. E. M. STANTON:

The telegram to Colonel Baker, requiring transfer of horses of new cavalry regiments to mount one of them, will lose to the men from \$10

to \$90 each and their traveling expenses. Under authority of the War Department, and promised by General Wilson to ride their own horses, the men brought in favorite private horses, and their friends aided them. The present order will not only wrong the soldiers to the pecuniary expense named, but greatly demoralize them. The Ninth and Twelfth Regiments could soon complete their mourning, the officers agreeing to do it within thirty days if permitted to do so.

O. P. MORTON,
Governor of Indiana.

WAR DEPARTMENT,
Washington, D. C., April 13, 1864.

Governor MORTON,
Indianapolis:

I do not perceive how it is possible for the men to lose anything by the order referred to. The Government pays them the stipulated price for their horses, and having become Government property the men have no right to control the Government in their use. As to the men becoming demoralized, that is the usual argument for disobedience to orders and cannot prevail against public necessity. I have no fears of troops raised by you becoming demoralized from any such cause. The necessity for every horse and man being in the field without a day's delay is imperative, and of far more consequence than a brigade of horses two or three weeks after the time they are wanted. I have perfect confidence in your patriotic zeal and influence overcoming all personal considerations and dissatisfaction in this urgent hour, and that no man would more deeply lament that Indiana cavalry failed to respond to the trumpet-call from any cause, and especially such as are urged against the order made at the special instance of the Commander-in-Chief. Come, girl yourself up, and once more to the field, old chief, with every horse and man!

EDWIN M. STANTON.

GENERAL ORDERS, } WAR DEPT., ADJUT. GENERAL'S OFFICE,
No. 162. } *Washington, April 14, 1864.*

IN RELATION TO THE CAVALRY BUREAU.

I. That the Cavalry Bureau shall be under command of the chief of Army staff, who shall perform the duties of chief of the Cavalry Bureau prescribed by existing orders; and the officers of that Bureau respectively will report to him.

II. All the duties relating to the organization, equipment, and inspection of cavalry will be performed by a cavalry officer specially assigned to that duty.

III. The duties in relation to purchase and inspection of horses, the subsistence and transportation of horses purchased, will be performed by and under the direction of an officer of the Quartermaster's Department, specially assigned to that duty.

IV. Lieutenant-Colonel Ekin is assigned to the quartermaster's duties of the Cavalry Bureau.

By order of the Secretary of War:

E. D.
Assistant

Statement showing the number of regiments and independent organizations furnished by the District of Columbia (not including three-months' men) with recruits furnished under all calls, compiled from muster-in rolls on file in Adjutant-General's Office, Washington, D. C., to the date of January 5, 1864.

Number of regiments or better of company.	Strength as originally mustered in.	Recruits under first call to July 2, 1862.	Recruits under second call to Jan. 5, 1864.	Total furnished.
1st Regiment Infantry.....	620		205	825
2d Regiment Infantry.....	800		116	1,305
Enlisted in 68th Pennsylvania Volunteers.....				1
Enlisted in 71st Pennsylvania Volunteers.....	91			91
Enlisted in 3d Pennsylvania Cavalry.....	97			97
Enlisted in 16th Virginia Volunteers.....			30	30
Enlisted in "Sent'a 900" New York Cavalry.....			282	282
Enlisted in 2d New York Artillery.....			119	119
Captain Whiting's District of Columbia Cavalry Company.....	84			84
1st District of Columbia Cavalry.....			206	206
Drifted men from the District of Columbia.....			272	272
Total.....	1,705		1,018	3,413
Colored troops.....			1,604	1,604

a Unassigned drifted men.

b From men enlisted by Major Foster.

RECAPITULATION.

Infantry:	
On first call, to July 2, 1862.....	1,014
Recruits in January 5, 1864.....	740
Unassigned drifted men.....	2,854
Cavalry:	
Under first call, to July 2, 1862.....	181
Under second call, to January 5, 1864.....	487
Artillery.....	119
Colored troops.....	3,413
Total furnished to January 5, 1864.....	1,604
	6,077

MEMORANDA.

The quotas of the District in 1861 and 1862, as determined in this office, were calculated on the basis of population as per the census of 1860. The male population therein given for the District is 29,684. In determining the quota I did so by considering the quotas and population of the State of Kansas. The quota of the District was found to be nearly one-half that of Kansas, which was as follows:

Under calls of 1861, volunteers (three-years).....	3,235
Under calls of July, 1862, volunteers (three-years).....	1,771
Under calls of 1862, militia (nine-months).....	1,771

I find now that I hurriedly sent a memorandum of the quotas to the Provost-Marshal-General, and in so doing inadvertently gave the quotas for Kansas instead of the quotas of the District, which should have been as follows, viz:

Under calls of 1861 (three-years).....	1,627
Under call of July, 1862 (three-years).....	890
Under call of 1862 (nine-months).....	890 = 225

The total quotas for 1861 and 1862, three-years' standard, would, therefore, be as follows: $1,627 + 890 + 225 = 2,742$.

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
April 14, 1864.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

April 14, 1864.

GOVERNOR OF ILLINOIS,

Springfield, Ill.:

SIR: I have the honor to acknowledge the receipt of a communication from Colonel Loomis, aide-de-camp, asking for a statement of the exact quotas and credits under each call for troops from Illinois from the 15th day of April, 1861, to the present date.

In reply I am directed to inform you that the information in part, as requested, was furnished by statement from this office of date June 11, 1863, and that since that date no general statement of the character asked for has been prepared for any State. The quotas assigned and credits made have, however, been duly communicated as per letters of various dates from this office and that of the Provost-Marshal-General. The latter officer has communicated the quotas fixed since March 3, 1863, the date of the enrollment act. It is therefore seen that the information desired is already on file in the office of the adjutant-general of the State. With the present pressure of business upon the Department it is not practicable to communicate the information under the special form, as requested by Your Excellency.

I have the honor to be, sir, your obedient servant,

THOMAS M. VINCENT,

Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

Washington, D. C., April 14, 1864.

Maj. Gen. N. P. BANKS, U. S. Volunteers,

Commanding Department of the Gulf, New Orleans, La.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, giving your reasons for organizing certain colored regiments in your department on a different basis from that prescribed by existing regulations, and am directed to say that your action is approved. It is hoped, however, that the exigencies of the service will permit you to fill these regiments to the maximum before commencing new organizations.

Very respectfully, your obedient servant,

C. W. FOSTER,

Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

April 14, 1864.

GOVERNOR OF MARYLAND,

Annapolis, Md.:

SIR: Upon the application made by Mr. Alexander and Colonel Simpson, the latter, late of the Ninth Regiment Maryland (six-months') Volunteers, forwarded to the department with your indorsements, you are hereby authorized to organize two regiments of volunteer infantry to serve for three years or the war. The recruitment and organization to be complete within thirty days after the receipt of this authority by you. The recruitment, organization, and musters of the regiments will be governed by the existing regulations of the department, with the condition that if the regiments are not completed within the time specified the men enlisted for them will be transferred to or among any other organized Maryland regiment, or regiments, without claim

on the part of those engaged in said recruiting to commissions as officers or for compensation on account of expenses incurred. All supplies will be furnished in accordance with established regulations.

I am, sir, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

CONCORD, N. H. *April 14, 1864.*

Hon. E. M. STANTON:

If the State of New Hampshire will offer an extra bounty sufficient to fill the First New Hampshire Cavalry to their maximum number, will you permit the companies now here to remain, and here mount the entire regiment? I saw General Burnside in New York, and from him have received his hearty approval. Orders have already been issued from the Cavalry Bureau to commence the purchase of horses, and preparations to that effect have already been made. If we can fill this regiment we shall have a surplus of 500 on all calls made upon us.

J. A. GILMORE,
Governor.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., April 14, 1864.

Lieut. Col. JOSEPH DARR, Jr.,
Actg. Asst. Provost-Marshal-General, Wheeling, W. Va.:

The Secretary of War directs that the officers of this department in West Virginia enlist into the service of the United States for three years or during the war all colored persons of suitable age and condition who may offer themselves.

After enlistment they will be assigned to Forty-fifth Regiment U. S. Colored Troops, and sent to Lieut. Col. H. A. Oakman, Thirtieth Regiment U. S. Colored Troops, at Clarksburg, Va.

JAMES B. FRY,
Provost-Marshal-General.

LITTLE ROCK, ARK., *April 15, 1864.*

His Excellency A. LINCOLN,
President of the United States:

Both houses of the Legislature have organized to-day, a quorum being present. The vote for constitution 12,179, against 226. For Governor, 12,430. We ask your sympathy and aid. The country north and south of the Arkansas River is full of guerrillas; one member killed while coming here. If re-enforcements are not sent soon or General Steele ordered to return we are in great danger.

ISAAC MURPHY,
Provisional Governor of Arkansas.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
April 18, 1864.

Maj. Gen. F. STEELE, U. S. Volunteers,
Commanding Department of Arkansas, Little Rock:

SIR: You are hereby authorized by the Secretary of War to raise in the State of Arkansas as many regiments of volunteer infantry to

serve for three years or the war as can be recruited. No additional cavalry can be authorized, nor will recruiting officers be authorized or allowed to recruit men under the supposition that they will serve as mounted infantry. The authority herein granted is given with the condition that but one regiment will be placed under recruitment at any one time. In other words, as soon as one regiment is recruited, organized, and mustered into service a second one may be commenced by you, not sooner. The depot or rendezvous for recruits will be at Little Rock. The organization, recruitment, and musters must conform to the existing regulations of the War Department. All musters into service will be made by the superintendent of recruiting service and chief mustering officer for the State, and in accordance with the Mustering Regulations of the Army. At the commencement of the organization one second lieutenant for each company may be appointed, under the conditions as enumerated in General Orders, No. 75, series of 1862, from the War Department. The duties and powers of the said lieutenants are defined by that order. All officers will be appointed and commissioned by His Excellency the Governor upon your nomination or approval. All supplies will be furnished under the requirements of existing regulations. Captain Swain, the superintendent of recruiting service for the State, will, upon receipt of a copy of this, with which he has been furnished, confer with you, so as to arrange the necessary details. His report to this office of date the 30th ultimo embraces much valuable information in reference to the recruiting service in the State.

I am, sir, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

(Copy for Governor of Arkansas, Little Rock, and superintendent recruiting service, Arkansas.)

GENERAL ORDERS, }
No. 34. }

HQRS. DISTRICT OF KENTUCKY,
Louisville, Ky., April 18, 1864.

I. In obedience to orders from the War Department the general commanding, in addition to the duties incumbent upon him as commander of this district, assumes, under direction of the proper bureaus of the War Department, a general superintendence of the execution of the acts of Congress for raising troops in Kentucky by voluntary enlistments and by drafting.

II. The assistant to the Provost-Marshal-General of the State is not relieved from any of the duties heretofore assigned him, but will receive from the general commanding such orders as he may deem necessary to secure the most prompt and faithful execution of the laws in question. All reports and returns heretofore required will be made to him by his subordinates, and not to these headquarters.

III. The recruiting of able-bodied slaves and free colored persons will be conducted within the limits of this State, under the following restrictions:

1. The assistant to the provost-marshal-general of the State, the provost-marshals of districts, and the deputy provost-marshals in each county are directed to receive and regularly enlist as soldiers in the service of the United States all able-bodied negro slaves and free colored persons of lawful age who may apply to them to be enlisted, and in case of slaves whose owners may request the enlistment; and

no one will be permitted to recruit or enlist such slaves or free colored persons save such provost-marshals, deputy provost-marshals, and authorized agents.

2. As soon as enlisted the recruit will be at once forwarded to the provost-marshal of the district for muster into the service of the United States; and as soon as mustered and squads of such recruits are collected they will be at once forwarded to the general rendezvous at Louisville; thence forwarded by the commandant of the rendezvous to the nearest rendezvous or camp of instruction outside of the State, for the purpose of being equipped and assigned to companies and regiments.

3. It shall be the duty of the provost-marshal, whenever he accepts and musters into the U. S. service a slave belonging to a citizen of the State, to give the citizen such certificate of the fact, in duplicate, as will enable him to receive from the Government the compensation authorized by law for such recruits.

IV. Any person who may be found recruiting, enlisting, or attempting to recruit any negro slave or free colored person in this State who is not, under the provisions of this order, authorized to do so, will be arrested and forwarded to these headquarters; and all officers serving in this district are charged with the enforcement of this order.

V. Camps for instruction and drill of colored volunteers within this district are interdicted, and recruits will, in all cases, be forwarded as herein directed with all practicable dispatch.

By command of Brigadier-General Burbridge:

THOS. B. FAIRLEIGH,
Lieutenant-Colonel and Acting Assistant Adjutant-General.

(Indorsement.)

The first four paragraphs of the within order are approved, and as the recruits are to be removed from Kentucky the fifth paragraph is superfluous.

EDWIN M. STANTON.

CLEVELAND, April 18, 1864.

Hon. E. M. STANTON,
Secretary of War:

If you will authorize me to call out, under orders of General Heintzelman, one regiment of volunteer militia, who are armed and equipped for guard duty at Johnson's Island, you can take the two veteran regiments down there to the front. My regiment can be out in twenty-four hours' notice. Will you give the authority? Answer to-day, as I leave here in morning.

JOHN BROUGH.

WAR DEPARTMENT,
Washington, D. C., April 18, 1864.

Governor BROUGH,
Cleveland:

You are authorized to call out one regiment of Ohio volunteer militia, to serve under orders of Major-General Heintzelman for guard duty at Johnson's Island for three years, unless sooner discharged. If the length of time is objectionable, please state what period will suit. It

is not likely they will be needed more than twelve months, but I have named three years if there be no objection. Some term of service should be specified.

EDWIN M. STANTON.

CLEVELAND, OHIO, April 18, 1864.

Hon. E. M. STANTON:

I wish to call out a regiment for sixty days, then relieve it by another, alternating every sixty days, so long as the service may be needed, the transportation in alternating to be paid by the State. Will this be acceptable? I will keep a regiment on duty all the time until otherwise ordered.

JOHN BROUGH,
Governor.

NEW ORLEANS, LA., April 19, 1864.

Cel. E. D. TOWNSEND,

Assistant Adjutant-General, Washington, D. C.:

MY DEAR COLONEL: Please say to Mr. Stanton that when the President sent me in double-quick from Kentucky to take charge of the plantation system I found all along the river great confusion; everything at odds and ends, and the opposers of the system for the proper employment of the poor blacks glad of it. I saw immediate action was necessary, and that the strong military power must be exerted to bring order out of chaos. I went to work with all the vigor I possessed, and, not wishing to show any one the least ground for believing that the Departments were in the slightest degree inharmonious, I put the whole matter in the hands of the Treasury, after making necessary changes, and determined to carry it on under my military supervision. I desired to give it the highest sanction, and used the Secretary of War's name. I paid a compliment for the very reason stated—a desire for uniformity—though really the system is mine and not so perfect. Mallou's and Yeatman's regulations were beautiful in theory, but utterly impracticable. Think of the negroes, who never hitherto provided for themselves, being required to feed themselves—simply a license to run all over the country stealing. I rapidly provided some military protection and gave confidence to the lessees. I shall keep the inspectors on the river.

My business is constantly increasing, and it is already enormous. I no sooner leave one place than my presence is called for at another, to pull the darkey out of the wood-pile—i. e., correct abuses.

I am happy to say I keep my health, thanks to Divine Providence, for there is my sure hope and trust, and with this blessing I can go forward in the path of duty cheerfully and hopefully.

There has been a terrible gloom over this city, and notwithstanding what we hear from the Red River, does not seem to dispel it. There has been a most sanguinary battle fought, and, whilst we have repulsed the enemy, it is evident we fell back miles and miles, and our onward movement is checked. By criminal neglect somewhere we were hampered with a large train and the surplus artillery, both of which we lost. The former may be a blessing, for we move as did the Eastern hosts. We have been three years in the war and have

much to learn. Franklin and A. J. Smith fully demonstrated their high military qualities. General Banks writes to me cheerfully and says:

We are in the midst of a very exciting campaign in which everything promises success equal to our most sanguine expectations. The general aspect of affairs, however, is different from what was anticipated by our army and the Government. The river is falling when it should be rising, and the enemy is in great force when it was not expected they would offer fight. It may consume a little more time, but I am mistaken if both these results are not beneficial to our cause.

He further says:

We immediately advanced on a line somewhat different from that hitherto pursued by the way of the river.

Some doubt his ability to advance; I do not. Others think he will have to return here. How greatly would I prefer an operation on Mobile, which we could take, and how greatly such a movement would help our armies above. There are those above me whose duty it is to think for me, and I will try honestly to do my part.

Greatly would I prefer being at the head of my own Bureau, but I see I cannot leave the Father of Waters.

The Turner Quitman plantation, on Palmyra Bend, I gave up to the Quitman ladies before receiving the papers from Mr. Stanton. I felt for them, for they had nothing, but two of their husbands, the worthless Lovells, were in the rebel service.*

Kind regards to all the gentlemen of the office.

I go upstream Friday.

Yours, very truly,

L. THOMAS.

WAR DEPARTMENT,
Washington City, April 10, 1864.

Governor J. A. GILMORE,
Concord, N. H.:

Your telegram of the 14th was duly received, and has been under consideration of the Department, with an anxious desire to conform to your wishes; but, after considering the matter in all its bearings, it is believed that the order of the 8th of April is the best provision that can be made for the service—that the seven companies should be forwarded immediately to Washington, to be molded and equipped here, the remaining incomplete companies to stay in New Hampshire until filled up. The extra bounties will no doubt exercise a very beneficial influence in filling them up.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington, D. C., April 10, 1864.

Governor BROUGH,
Columbus, Ohio:

The plan proposed by you for raising prison guards has carefully been considered by the Department. Report is made to me that it will not afford guards of sufficient experience to be relied upon, and

* Some strictly personal matter here omitted. For an inclosure to this communication, see circular of October 27, 1863, Vol. III, this series, p. 430.

would increase the danger of escape. Although the plan is desirable so far as it would give veteran troops to the service, the serious nature of the objections force me to the conclusion that it cannot safely be adopted.

EDWIN M. STANTON,
Secretary of War.

SPECIAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 153. } *Washington, April 20, 1864.*

* * * * *

62. Brig. Gen. E. R. S. Canby, U. S. Volunteers, will proceed to the city of New York, and such other points as he may find it necessary to visit or inspect, with a view to hasten the forwarding of recruits and detachments to their regiments and posts at the front. He is fully authorized by the Secretary of War to issue such orders in his name pertaining to the forwarding of recruits, relief of detachments, their transportation, &c., and all other matters pertaining to the military service in the sphere of his inspection, as he may deem to be advantageous to the public interest.

* * * * *

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
April 20, 1864.

GOVERNORS OF LOYAL STATES:

The Secretary of War has ordered that new regiments of heavy artillery that may be organized and filled up to the legal standard of 1,738 men, within the period of twenty days from this date, will be received and credited. If regiments are not full on or before the 10th of May the recruits will be put into other artillery or infantry organizations. This order will not postpone the draft, but such troops as may be raised prior to the draft will be deducted from the quotas for draft.

JAS. B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, April 21, 1864.

To the PRESIDENT OF THE UNITED STATES:

I. The Governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin offer to the President infantry troops for the approaching campaign, as follows:

Ohio	80,000
Indiana	20,000
Illinois	20,000
Iowa	10,000
Wisconsin	5,000

II. The term of service to be 100 days, reckoning from the date of muster into the service of the United States, unless sooner discharged.

III. The troops to be mustered into the service of the United States by regiments, when the regiments are filled up, according to regulations, to the minimum strength—the regiments to be organized according to the regulations of the War Department. The whole number to be furnished within twenty days from date of notice of the acceptance of this proposition.

IV. The troops to be clothed, armed, equipped, subsisted, transported, and paid as other U. S. infantry volunteers, and to serve in fortifications, or wherever their services may be required, within or without their respective States.

V. No bounty to be paid the troops, nor the service charged or credited on any draft.

VI. The draft for three years' service to go on in any State or district where the quota is not filled up; but if any officer or soldier in this special service should be drafted he shall be credited for the service rendered.

JNO. BROUGH,
Governor of Ohio.
O. P. MORTON,
Governor of Indiana.
RICH. YATES,
Governor of Illinois.
W. M. STONE,
Governor of Iowa.
JAMES T. LEWIS,
Governor of Wisconsin.

WAR DEPARTMENT, *April 22, 1864.*

An estimate has been made of the probable expense of the force mentioned in the foregoing proposition and it is believed that its cost to the United States will amount to \$25,000,000. The views of Lieutenant-General Grant are indicated in the telegram, a copy of which is annexed, and which is a response to my inquiry as to whether he would desire the acceptance of 100,000 men as at first proposed by the Governors.* In view of the importance of the ensuing campaign and the judgment of General Grant that the troops offered may be of "vast importance," I am in favor of accepting the offer. The present estimates are inadequate to meet the expense and additional appropriation will be required.

EDWIN M. STANTON,
Secretary of War.

APRIL 23, 1864.

The foregoing proposition of the Governors is accepted, and the Secretary of War is directed to carry it into execution.

A. LINCOLN.

WAR DEPARTMENT,
Washington, April 21, 1864.

Lieutenant-General GRANT,
Culpeper:

The Governors of Ohio, Indiana, Illinois, and Iowa are here, and propose to offer to the Government 100,000 men, to be ready for the field, clothed, armed, and fully equipped, within twenty days from

*See p. 239.

date of notice, and to serve for the period of three months in fortifications, or wherever else their services may be required, and in any State. The Department would be glad to have your opinion as to whether this offer should be accepted or refused.

EDWIN M. STANTON,
Secretary of War.

CULPEPER, VA., April 21, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

As a rule I would oppose receiving men for a short term, but if 100,000 men can be raised in the time proposed by the Governors of Ohio, Indiana, Illinois, and Iowa they might come at such a crisis as to be of vast importance. I would not recommend accepting them in lieu of quotas now due on any previous calls for three-years' troops. Otherwise I would.

U. S. GRANT,
Lieutenant-General.

APRIL 21, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I inclose an approximate estimate in reply to your questions of this morning, as accurate as can be prepared without taking much more time. We have at the principal constructing arsenals and depots regulation clothing with which 200,000 men could be fitted out at once. Of irregular clothing there are on hand: Coats, 20,000; trousers, 50,000; greencloths, 120,000. The supply is therefore small at present.

The actual cost of clothing 100,000 first outfits, regulation clothing, I estimate at this time at \$4,400,000. If greencloths are not issued—and they are not necessary for a summer campaign—the cost would be \$3,400,000. Camp and garrison equipage, tents, &c., for 100,000 men would cost \$800,000. Total thus far, \$4,200,000.

To supply 100,000 men with complete wagon trains for active operations on the scale existing in our armies would cost \$3,000,000.

The above estimate has been hurriedly made. If action is to be taken upon this I should desire to be allowed time to cause a more careful estimate to be made, with time to examine recent contracts for supplies.

I am, sir, very respectfully, your obedient servant,
M. C. MEIGS,
Quartermaster-General.

[Inclosure.]

Estimated cost of 100,000 volunteers for three months, exclusive of bounties, of incidental expenses of a campaign, and of ammunition and arms.

Quartermaster's Department:	
Outfit of clothing at present prices.....	\$3,400,000
(If greencloths are issued add \$1,000,000.)	
Camp and garrison equipage.....	800,000
Wagon trains for active service.....	3,000,000
Transportation to rendezvous and to the seat of war.....	1,000,000
Forage for 20,000 animals 90 days.....	900,000
Quartermaster's Department	9,100,000

Pay Department:	
Pay for three months	\$7,304, 161
Subsistence Department:	
Subsistence, 1,000,000 rations	1,080, 000
	18,444, 161
If greatcoats are issued	10,444, 161
(To this should be added arms, ammunition, guns, and the incidental expenses of an active campaign.)	
QUARTERMASTER-GENERAL'S OFFICE,	
April 21, 1864.	

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., April 21, 1864.

His Excellency the GOVERNOR OF IOWA,
Des Moines, Iowa:

SIR: I have the honor to inform you that the State of Iowa has been credited with re-enlisted veterans as follows:

Volunteers, 6,529. The number (6,529) is the same as that claimed by the State, per the exhibit of your adjutant-general embracing returns made to him to include the 15th instant. The Provost-Marshal-General of the United States has been requested to credit localities with the number set forth in said exhibit.

The number credited is supported by the records of this office, but thus far returns here received will permit me to assign only 4,535 to localities.

I have the honor to remain, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, April 21, 1864.

His Excellency Governor SEYMOUR,
Albany, N. Y.:

It is desirable to furnish General Grant with all the veteran force at the disposal of the Government. General Dix has been instructed to forward from New York all the U. S. troops that can be spared, and the President requests that you would furnish one or two regiments of your city militia to act in the city as guards, escorts for deserters, stragglers, &c., and similar special duty. This would render a very material service to the country at the present juncture, and General Dix has been directed to call on you for such militia force as he may need for the above specified purpose. Please inform me if you can answer his call. The service would be for three months unless sooner discharged.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington, April 21, 1864.

Major-General HEINTZELMAN,
Columbus:

Governor Brough proposes to furnish a regiment of volunteer militia as a guard at Johnson's Island. This he purposes to alternate

every sixty days by substituting a regiment for the one relieved, at expense of transportation by the State. Will this constitute a safe and sufficient guard, and is the process of alternating regiments satisfactory to you, so as to relieve the veteran regiments now at Johnson's Island?

EDWIN M. STANTON,
Secretary of War.

COLUMBUS, Ohio, April 21, 1864.

Hon. E. M. STANTON:

I much prefer the veteran regiments, but believe that I can hold the prisoners at Johnson's Island safely with this volunteer militia.

S. P. HEINTZELMAN,
Major-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 174. } Washington, April 22, 1864.

EMPLOYMENT OF CAVALRY ORGANIZATIONS NOT MOUNTED.

Cavalry organizations which cannot immediately be supplied with horses will be armed and employed temporarily as infantry. They may be used to guard depots and railroads or be assigned to infantry brigades in the field. When regiments so assigned are partially mounted the horses will be transferred to others.

Commanders of departments and separate armies are authorized to dismount and employ as infantry any cavalry regiment which has been neglectful or wasteful of its horses, or has proved inefficient in the field, and transfer its horses to others.

The proportion of cavalry to be temporarily converted into infantry will not exceed 40 per cent. of any command, unless it be found that the remaining 60 per cent. cannot be kept efficiently mounted.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 175. } Washington, April 22, 1864.

LIABILITY OF TEAMSTERS, &C., TO TRIAL FOR DISOBEDIENCE OF ORDERS.

Great inconvenience and injury to the public service having arisen from the failure or refusal of teamsters and other employes of the Quartermaster's Department to go to the front and other points when so required, hereafter any employe of the department who fails or refuses to obey such orders shall forfeit all pay and allowances which may be due to him, and will also be liable to arrest and trial before a military tribunal for disobedience of orders, according to the Sixtieth Article of War.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 176. } Washington, April 22, 1864.

The following act of Congress is published for the information of all concerned:

PUBLIC—No. 51.

AN ACT to amend an act for enrolling and calling out the national forces so as to increase the rank, pay, and emoluments of the Provost-Marshal-General.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the rank, pay, and emoluments of the Provost-Marshal-General, authorized by section five of said act, shall be those of a brigadier-general.

SEC. 2. *And be it further enacted, That all acts and parts of acts inconsistent herewith are hereby repealed.*

Approved April 21, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington, April 22, 1864.

Major-General Dix,
Commanding Northern Department:

The President directs me to say that you are authorized by him to call upon his Excellency Governor Seymour for one or more regiments of State militia to replace the U. S. troops sent forward. Governor Seymour informs the Department that he will furnish them.*

EDWIN M. STANTON,
Secretary of War

STATE OF NEW YORK, INSPECTOR-GENERAL'S OFFICE,
Albany, April 22, 1864.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

In reply to your telegram of the 21st instant, which is just received, I am instructed by His Excellency Governor Seymour to state that the regiments of State militia required by you will be promptly furnished for the purposes indicated.

JOSIAH T. MILLER,
Inspector-General State of New York.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 177. } Washington, April 23, 1864.

IN RELATION TO PUBLIC HORSES, WAGONS, &C.

I. Every officer of the Army, other than of the Quartermaster's Department, and the chief medical officer of departments, armies, and army corps, who has in his possession, or under his control, any horse, ambulance, spring wagon, or vehicle of any kind, belonging to the Government of the United States, whether used in the performance

* See Miller to Stanton, next, *post*.

of his public or private duties, will immediately turn in the same to the Quartermaster's Department.

II. Hereafter no officer of the Army will use any horse, ambulance, spring wagon, or vehicle of any kind which is the property of the Government of the United States, whether for the transaction of his official or private business, without an order in writing from the Adjutant-General authorizing such use.

This order will not apply to officers entitled to be mounted under General Orders, No. 277, from this office, of August 8, 1863.

III. The Regulations of the Quartermaster's Department provide for the transportation of officers traveling under orders, and their baggage. When, on proper requisition, an officer has obtained transportation, the horse or vehicle so obtained will be returned to the officer accountable therefor, or to some officer of the Quartermaster's Department, as soon as the journey is performed.

IV. The Quartermaster-General and Inspector-General will cause this order to be enforced by the officers of their departments throughout the armies of the United States; and for its violation, reported by the officers of these departments, the same penalty is attached as provided by section 8 of an act of Congress, published in General Orders, War Department, No. 106, current series, in reference to the use of ambulances.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, April 23, 1864.

Governor MORTON,
Saint Nicholas Hotel, New York:

The President has accepted the proposition. Let me know when you expect to leave New York.

EDWIN M. STANTON.

NEW YORK, *April 23, 1864.*
(Received 5 p. m.)

Hon. E. M. STANTON:

Have telegraphed my proclamation home. Will be here until Monday evening. Please telegraph the terms of the proposition to Adjutant-General Noble at Indianapolis.

O. P. MORTON,
Governor of Indiana.

WAR DEPARTMENT,
Washington, April 23, 1864.

Major-General HEINTZELMAN,
Columbus, Ohio:

General Brongh has been authorized to raise a regiment of militia to guard the public stores at Gallipolis. They will be under your orders, and you will issue tents, &c., to them. As soon as they occupy that place General Sigel will be authorized to withdraw his present guard and leave the place in your charge. Consult with the adjutant-general of the State in the Governor's absence.

H. W. HILLECK,
Major-General and Chief of Staff.

WAR DEPARTMENT,
Washington City, April 25, 1864.

Hon. HENRY WILSON,
Chairman Military Committee of the Senate:

SIR: The Governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin have tendered to the President on the 23d instant a large number of volunteers from their respective States for service during the present campaign. They are expected to number from 80,000 to 100,000 men, their term of service 100 days from muster in. It is believed they can render useful service. They are to be paid no bounty, and are not to diminish or delay the draft for three-years' men in States where the quota of pending draft is not filled up. The quota is filled up in Indiana, Illinois, Iowa, and Wisconsin, and less than 10,000 are due from Ohio. The expense of these troops is not provided for in the war estimates heretofore submitted. It is estimated that \$25,000,000 will meet the costs of 100,000 of these extra volunteers. I respectfully recommend a special appropriation for that purpose, and submit a joint resolution for that purpose. The impending operations render it expedient that there should be early action by Congress upon the proposition, so that if sanctioned all needful provisions may be made in due season.

I have the honor to be, very respectfully, your obedient servant,
EDWIN M. STANTON,
Secretary of War.

(Same to Hon. Robert C. Schenck, chairman of Military Committee, House of Representatives.)

BOSTON, MASS., April 25, 1864.

Hon. E. M. STANTON:

General Dix telegraphs me that all our heavy artillery will be immediately ordered to field, and requests militia regiments called out to relieve them at Fort Warren and elsewhere, and be mustered into service for that local duty for sixty days. This confuses me somewhat, since work of aggregating a regiment of militia companies must be done at once, and our militia is disintegrated by volunteering. It shall immediately be done, but it will probably render impossible any chance to raise now heavy artillery regiments before the 10th of May, as most probably recruits for such regiments will turn out as militia. In order to systemize matters I wish you would let our twelve heavy artillery companies be organized and march as a regiment. Eight companies were raised for general service. Cabot's battalion of four companies, though raised with a special understanding, yet will march willingly with orders, eight in regimental organization, under him as colonel, for heavy-artillery duty.

JNO. A. ANDREW.

NATCHEZ, MISS., April 26, 1864.

Col. E. D. TOWNSEND,
Assistant Adjutant-General, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of a copy of a communication from Maj. Gen. W. S. Rosecrans to the Honorable

Secretary of War in relation to orders issued by me with reference to the recruiting of colored troops in Missouri, with the indorsement of Brig. Gen. E. R. S. Canby thereon.*

In accordance with the wishes of the Department I have issued an order revoking my Order No. 8, dated Vicksburg, March 11, 1864.

The system of recruiting in Missouri upon the basis adopted by Major-General Schofield has not, in my opinion, operated as successfully as under the orders issued by me. This was manifest in my recent inspection of the colored troops at Port Hudson. The Second and Third Missouri Regiments, raised by provost-marshal, report a vast increase over the First Missouri Regiment in the number of discharges on account of disability, and the mortality has been much greater in those regiments. Altogether, I am satisfied the men in those regiments are much inferior to those raised under my directions.

I am, colonel, very respectfully, your obedient servant,

L. THOMAS,
Adjutant-General.

ORDERS No. 17.]

NATCHEZ, Miss., April 26, 1864.

I. So much of Orders Nos. 7 and 16, current series, as designates the regiments of African troops as U. S. cavalry, artillery, or infantry (colored) is changed. Hereafter they will be called regiments of U. S. colored cavalry, colored artillery, or colored infantry.

All the regiments enumerated in the above-named orders will retain their numbers given therein except the heavy and light artillery, which will hereafter be reported as regiments of U. S. colored artillery (heavy), or U. S. colored artillery (light), and will be numbered as follows:

Batteries A, B, C, and D, Second Regiment U. S. Light Artillery (Colored) as Batteries C, D, E, and F, Second Regiment U. S. Colored Artillery (Light).

The Second Regiment U. S. Colored Artillery (Heavy) as the Third Regiment.

The Third Regiment U. S. Colored Artillery (Heavy) as the Fourth Regiment.

The Fourth Regiment U. S. Colored Artillery (Heavy) as the Fifth Regiment.

The Fifth Regiment U. S. Colored Artillery (Heavy) as the Sixth Regiment.

The Sixth Regiment U. S. Colored Artillery (Heavy) as the Seventh Regiment.

The Seventh Regiment U. S. Colored Artillery (Heavy), now being raised at Paducah, Ky., as the Eighth Regiment.

The commanders of colored troops will at once make the proper notifications of the changes in the designation of these regiments.

II. Orders No. 8, dated Vicksburg, Miss., March 11, 1864, are hereby revoked.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

*See March 23, p. 196.

WAR DEPARTMENT,
Washington City, April 26, 1864.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts, Boston, Mass.:

The Secretary of War considers it inexpedient to authorize the consolidation of the heavy artillery companies referred to in your dispatch of yesterday. These companies will come on at once, and will be replaced as rapidly as possible by the militia that General Dix has called on you for.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 15. } Washington, April 27, 1864.

VETERAN RESERVE CORPS—RECRUITING SERVICE.

1. The recruiting service in the various States for the Veteran Reserve Corps will be under the charge of the acting assistant provost-marshals-general as general superintendents.

2. All soldiers honorably discharged for disability, of good character and not liable to draft, whether discharged from the Regular Army, Marine Corps, or volunteers of this war, or any time previous, may be enlisted in the Veteran Reserve Corps, notwithstanding that the disability under which they may have been discharged has disappeared and that they are over forty-five years of age, provided they are able to do duty in the First Battalion of the Veteran Reserve Corps.

3. Men desiring to re-enlist in this corps will present themselves to the Board of Enrollment for the district in which they reside for examination by the surgeon thereof, who shall make a personal examination of them and report the result to the Board of Enrollment (according to the form furnished).

4. The Board shall then consider each case, and if the applicant is found to fulfill the conditions specified below the Board shall give him a certificate (according to the form furnished) to that effect, viz:

First. That he is unfit for service in the field.

Second. That he is fit for duty in the First Battalion, Veteran Reserve Corps, according to rules laid down in General Orders, No. 212, War Department, 1863.

Third. That he is meritorious and deserving.

Fourth. That he was honorably discharged from the service on account of disability.

Those fulfilling the above conditions will be enlisted by the provost-marshal. The enlistments will be signed by the provost-marshal as recruiting officer and by the surgeon of the Board of Enrollment as examining surgeon. The oath will be administered by the provost-marshal.

5. The term of enlistment in the Veteran Reserve Corps shall be for three years. Enlistments will be made in duplicate upon the printed forms furnished for the purpose from this Bureau.

6. The provost-marshals will make all reports and returns of the recruiting service of this corps and forward them in the same [manner] as they are required to do for other troops.

7. All other details will be conducted in the manner prescribed in the General Regulations.

8. Men who enlist or re-enlist in the Veteran Reserve Corps will be credited to the quota of the district from which they enlist, the same as other troops, but are not entitled to any bounty or premium from the United States for such enlistment.

9. The expenditures of "mustering and disbursing officers" for the recruiting service of the Veteran Reserve Corps are confined to the payment of the expenses enumerated in Circular No. 84, of 1863, from this Bureau.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, April 27, 1864.

Hon. WILLIAM P. FESSENDEN,
Chairman of Committee on Finance, U. S. Senate:

SIR: Referring to my letter of the 25th instant, addressed to the chairman of the Committee on Military Affairs of the Senate, and now pending before your committee, I have the honor to transmit herewith for your information a copy of the communication made to the President by the Governors of Ohio, Indiana, Illinois, Iowa, and Wisconsin, and of the President's acceptance of the troops therein tendered,* together with a copy of the estimated cost of 100,000 volunteers for three months, prepared at the office of the Quartermaster-General.† To this estimate should be added 33½ per cent. for all contingencies, including injury to arms, ammunition, medical attendance, &c., which will make the aggregate expense about \$25,000,000, as stated in my letter of April 25. No call has been made by the President for the troops thus offered and accepted, as it is understood that this duty is to be performed by the respective Governors of States named who have made their calls.

Your obedient servant, EDWIN M. STANTON,
Secretary of War.

P. S.—For obvious reasons the proposition of the Governors and President's acceptance should not be published, but is transmitted for the information of yourself and your committee.

E. M. S.

FRANKFORT, KY., *April 27, 1864.*

Hon. E. M. STANTON:

Will you receive 10,000 troops from Kentucky for six months or three months on the same conditions that other States are raising them? They can be furnished.

THOS. M. BRAMLETTE,
Governor of Kentucky.

SUPERVISORY COMMITTEE FOR RECRUITING COLORED REGTS.,
No. 1210 Chestnut Street, Philadelphia, April 27, 1864.

Hon. EDWIN M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I have the honor to ask for authority to raise another regiment of colored troops. The Forty-third Regiment, which we are now

* See p. 237.

† See p. 238.

raising, lacks about 150 men of being full. We supposed that the late horrible massacre at Fort Pillow, if noticed, as the people generally anticipate it will be, by a vigorous proclamation from the Government, directing severe retaliation on the enemy for any similar outrages in the future, will impart a fresh momentum to recruiting. The colored people are excited. They now need to be encouraged. If the Government will give emphatic expression to the general desire on the subject of the barbarous massacres of Pillow and Plymouth, and Congress should speedily place black troops on the same footing as other troops, we could raise, in my judgment, two, three, or more regiments here.

At present recruiting is dull in spite of the liberal bounties offered. The determination of the status of the colored soldiers and words of encouragement to the colored race are the two measures needed to create enthusiasm and give new life to recruiting in the free States.

I have the honor to be, with respect, your obedient servant,
 THOMAS WEBSTER,
Chairman.

WAR DEPARTMENT,
Washington City, April 28, 1864.

Governor BRAMLETTE,
Frankfort, Ky.:

The arrangement in the Northwestern States was for 100-days' service. Of that short time there is probably quite as many as can be used. But if you can raise six-months' men let me know, and I can then give a definite answer to your inquiry.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., April 28, 1864.

Brig. Gen. S. G. BURBRIDGE, U. S. Volunteers,
Commanding District of Kentucky, Louisville:

GENERAL: By direction of the Secretary of War I have respectfully to inform you that the first four paragraphs of General Orders, No. 34, current series, from your headquarters, establishing regulations for the enlistment of colored men in the State of Kentucky, are approved. The fifth paragraph is regarded as superfluous.

I am further directed to instruct you to cause the recruits enlisted in pursuance of said order to be sent to Capt. R. D. Mussey, Nineteenth U. S. Infantry, acting commissioner for organization of colored troops, at Gallatin, Tenn., or Nashville, Tenn., as may be determined between yourself and Captain Mussey, who will organize the recruits and assign them to regiments.

In all cases where a recruit has been held to service under a master or owner the name of such owner will be entered on the muster-in roll opposite the name of the recruit. Duplicate muster and descriptive rolls of the detachments will in all cases be forwarded with such detachments to Captain Mussey, one of which he will forward to this office after having entered upon the roll opposite the names of each of the recruits the designations of the regiments to which they have been assigned. Those measures are necessary for ready reference at this

office in cases where claims for payment are made by owners in consequence of the enlistment of their slaves.

Certificates of enlistment and descriptive lists will be furnished to loyal owners whose slaves are enlisted. A supply of the former, as per inclosed copy,* will be forwarded to you from this office.

I have the honor, &c.,

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 16. } *Washington, April 29, 1864.*

The following opinion of the Hon. William Whiting, Solicitor of the War Department, is published for the information and guidance of all officers of this Bureau:

In regard to the question whether the plea of non-residence in the district where a drafted man may have been enrolled should, under all circumstances, be regarded by boards of enrollment as a legal and proper ground for exemption from military service under the draft in that district, &c.

Opinion.—When a person who has been enrolled and drafted claims exemption from the draft on the ground of non-residence, the Board of Enrollment will be justified in granting it if he makes satisfactory proof on three points:

1. His non-residence in the district where he claims exemption at the time of his enrollment therein.
2. What his place of actual residence was at the time when the enrollment therein was made.
3. That he was or is actually enrolled and has been drafted or is liable to draft in his place of actual residence.

All persons from whom military service is required under the act of Congress are liable to enrollment and draft in some district. The notation of the occupations and residence of persons enrolled is not required to enable unpatriotic citizens, by technical objections, to avoid their fair share of public duty, but to identify the persons drafted and assist in equalizing among the different districts their respective quotas.

Whoever has been enrolled in one district and intends to claim exemption from draft by reason of residence elsewhere must take care to be enrolled where he resides.

If the corrected enrollment be promptly effected, an application thereafter made to the Provost-Marshal-General or to the boards of enrollment will protect him against double liability; but if he neglect this privilege he ought not escape all military service in time of war by proving that an error had been made in the place of his residence, the spelling of his name, or the description of his trade or occupation.

It is deemed a privilege to enter into the military service of the United States. The patriot owes it to his country, the man of honor owes it to his neighbors, to see that every citizen liable to military duty is properly enrolled.

JAMES B. FRY,
Provost-Marshal-General.

FRANKFORT, KY., *April 29, 1864.*

E. M. STANTON:

Ten thousand six-months' men can be raised promptly is the opinion of Adjutant-General Boyle.

T. E. BRAMLETTE,
Governor.

* Omitted.

OFFICE ACTING ASSISTANT PROVOST-MARSHAL-GENERAL,
Boston, April 29, 1864.

Brig. Gen. JAMES B. FRY,
Prov. Mar. Gen. United States, War Dept., Washington, D. C.

SIR: I have the honor to inform you that I proposed to comment the draft in this State on Monday, the 2d of May, but in consequence of the entire absence of troops in this State, until the militia can be mustered into service, and the urgent request of the Governor that the draft should be postponed until such muster should take place, I have consented to postpone the draft for at least four days beyond the 2d of May. His Excellency wishes to be prepared in the event of any elements or disturbance that we have reason to believe would occur in the absence of any controlling force.

I am, sir, very respectfully, your obedient servant,
 F. N. CLARKE,
Major, Fifth Artillery, Actg. Asst. Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., April 30, 1864.

Major-General MEADE, U. S. Volunteers,
Commanding Army of the Potomac:

SIR: The following instructions, which will not be printed, are furnished by order of the Secretary of War for your information and guidance, and are to be sent by you to the officers under your command, to whom they will apply:

I. Generals commanding armies and army corps in the field will take the proper measures to supply, so far as may be possible, the wants of their troops in animals and provisions from the territory through which military operations are conducted.

Private property so taken will be receipted and accounted for in accordance with existing orders. Special care will be taken to remove horses, mules, live-stock, and all means of transportation from the districts infested or liable to be infested by guerrilla bands and rebels.

II. Commanding officers will establish proper regulations in accordance with the usages and customs of war for the enforcement of the order.

Please acknowledge receipt.

I am, sir, very respectfully, your obedient servant,
 E. D. TOWNSEND,
Assistant Adjutant-General.

(Same to Maj. Gen. F. Sigel, U. S. Volunteers, commanding Department of West Virginia; Maj. Gen. B. F. Butler, U. S. Volunteer commanding Department of Virginia and North Carolina; Maj. Gen. W. F. Smith, U. S. Volunteers (care of Major-General Butler); Commanding general Department of the South; Maj. Gen. N. P. Banks, U. S. Volunteers, commanding Department of the Gulf; Maj. Gen. W. T. Sherman, U. S. Volunteers, commanding Military Division of the Mississippi; Maj. Gen. George H. Thomas, U. S. Volunteer commanding Department of the Cumberland; Maj. Gen. James M. McPherson, U. S. Volunteers, commanding Department of the Tennessee; Maj. Gen. Frederick Steele, U. S. Volunteers, commanding Department of Arkansas; Maj. Gen. J. M. Schofield, U. S. Volunteer commanding Department of the Ohio.)

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., April 30, 1864.

His Excellency Governor SAMUEL CONY,
Augusta, Me.:

Do you think it advisable to proceed to draft in the deficient sub-districts of your State, so that all of them shall thus be made to fill the quotas heretofore assigned? Please answer by telegraph.

JAMES B. FRY,
Provost-Marshal-General.

Operator will send copy to the following: Governor J. A. Gilmore, Concord, N. H.; Governor Smith, Woodstock, Vt.; Governor James Y. Smith, Providence, R. I.; Governor Buckingham, Hartford, Conn.; Governor A. L. Boreman, Wheeling, W. Va.; Governor Richard Yates, Springfield, Ill.; Governor O. P. Morton, Indianapolis, Ind.; Governor Austin Blair, Detroit, Mich.; Governor James T. Lewis, Madison, Wis.; Governor H. R. Gamble, Jefferson City, Mo.; Governor Thomas Carney, Leavenworth, Kans.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
Norwich, April 30, 1864.

General JAMES B. FRY, U. S. Army,
Provost-Marshal-General, Washington:

SIR: I have the honor to acknowledge the receipt of your telegram of this date inquiring whether I think it advisable to proceed to draft in the deficient sub-districts of the State, that all may be thus made to fill the quotas heretofore assigned, to which I would reply that as Connecticut had furnished up to the 1st of April 3,172 more men for three years' service than had been required by the President, I do not think it desirable to order the draft in the deficient sub-districts unless the President shall make a requisition for more men. In that case I would recommend that the draft be made in sub-districts for deficiencies, and that the order be issued at the time a requisition for more men shall be made. I have no doubt but the plan suggested within is decidedly the best.

I am, very respectfully, yours,

WM. A. BUCKINGHAM,
Governor of Connecticut.

LEAVENWORTH, April 30, 1864.

Colonel FRY:

Governor Carney is on his way to Washington. Will be there about the 4th of May.

A. R. BANKS.

DETROIT, April 30, 1864.

Colonel FRY:

Governor Blair is now in or near Washington and will answer your telegram of this date in person.

F. MORLEY,
Assistant Adjutant-General of Michigan.

PROVIDENCE, R. I., *April 30, 1864.*

Col. J. B. FRY:

Your telegram received. Every district and sub-district is more than full. The State has quota for a 300,000 call in excess. Of course, this being so, no draft can be made. I write you by mail to-night.

JAS. Y. SMITH,
Governor of Rhode Island.

WIRELAND, *April 30, 1864.*

Col. J. B. FRY:

Dispatch of this date received. The State having greatly exceeded her quotas under all calls made upon, there should be no draft in any sub-districts.

A. I. BORLEMAN,
Governor.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
May 1, 1864.

Hon. HENRY WILSON,
U. S. Senate, Washington, D. C.:

SIR: The Secretary of War instructs me to state, in reply to your reference of the correspondence between this Department and Governor Andrew in relation to the companies of heavy artillery in Boston Harbor, that as the companies were raised under different conditions of service, and will probably be required to serve at different points, and not in connection with each other, it has been and still is considered inexpedient to give them a regimental organization. If, however, Governor Andrew should be able to raise a sufficient number of companies of heavy artillery for general service in addition to those already organized, to make up twelve companies, there will then be no objection to giving the companies raised for that service a proper regimental organization. Cahol's battalion was organized for special service, and it would be improper to include it in a regiment organized for the general service. It was included in the order bringing the troops from Boston Harbor to this city because it was understood that the officers and men were anxious to come forward and would make no objection to temporary service in this neighborhood, the battalion returning to its original conditions of service as soon as the present necessity has passed. The Secretary of War therefore sees no sufficient reasons for changing the orders heretofore given.

Very respectfully, &c.,

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

AUGUSTA, ME., *May 1, 1864.*

Col. JAMES B. FRY,
Provost-Marshal-General:

I do not think it expedient to draft in the different sub-districts of this State.

SAML. CONY,
Governor of Maine.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 189. } *Washington, May 2, 1864.*

ISSUE OF SHELTER TENTS.

1. The attention of all officers is called to General Orders, No. 160, series of 1862, providing for the issue of shelter tents instead of common wall or Sibley tents. When troops refuse to accept shelter tents they will not be furnished with any. Troops in garrisons, at stations, or in detachments can construct huts, if they prefer them to shelter tents. Quartermasters are prohibited from issuing tents other than the kind provided for, no matter by whom the requisitions are approved, or by whose order the issues are directed to be made, until otherwise ordered through the Adjutant-General of the Army.

2. Commanding officers of departments, and of troops, and the Quartermaster-General will be held responsible for the enforcement and due observance of this order; and any one who shall issue or direct the issue of tents other than as prescribed will be tried by court-martial or reported for summary dismissal.

By command of Lieutenant-General Grant:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 36. } *Washington, May 2, 1864.*

I. To provide for certain cases of muster, which may arise at the dates the original terms of service of volunteer organizations will expire, the following regulations are established and announced for the information and guidance of all concerned. Their execution will be under the supervision and direction of the commissaries of musters for corps and departments:

MUSTERS-OUT AND DISCHARGES FROM VETERAN REGIMENTS WHERE
THREE-FOURTHS THEREOF HAVE RE-ENLISTED.

1. In regiments where three-fourths of the men have re-enlisted—and which are therefore veterans—the organization they may have at the dates of expiration of term (see sec. 1, General Remarks) will be maintained, but all men who have not re-enlisted (except those who have joined since date of original organization) will, on said date, be mustered out and discharged the service.

The musters-out will be made by the assistant commissary of musters of the division to which the troops belong, and that officer will be held strictly accountable that the muster-out rolls are accurate, and made out in accordance with the Mustering Regulations.

A separate muster-out roll will be made, on the prescribed form, for the detachment from each company.

Particular attention is invited to the Mustering Regulations, in so far as the formal discharge paper of the volunteer is concerned. (See sec. 5, General Remarks.)

After the muster-out and discharge papers shall have been fully prepared the department or corps commander will cause the discharged men to be formed into detachments, under competent officers, and forward them to the States (see sec. 6, General Remarks) to which

They respectively belong, there to be paid off promptly, under such regulations as the Paymaster-General may establish.

The senior officer of each detachment will take charge of the muster-out rolls and discharge papers, and be responsible for their safety until placed in the hands of the paymaster.

OFFICERS FOR VETERAN REGIMENTS.

2. Under paragraph 9 of General Orders, No. 191, 1863, it is announced that officers in service whose regiments or companies may re-enlist (now applicable to regiments or companies where three-fourths have re-enlisted), will have their commissions and rank continued. To this end officers will continue to serve under existing musters until the original term of their regiments shall have expired, when they will be remustered, under their existing commissions, for three years. To secure the back rank—not pay—of the grade in which they may be remustered, the assistant commissary of musters will make the following remark upon the remuster-in roll: "To rank from —, 186—, under paragraph 9, General Orders, No. 191, War Department, 1863."

No provision herein will be construed as authorizing the detention in service of unfit officers. All such should be reported by the department or army commander to the Adjutant-General of the Army, with the view to their discharge.

MUSTERS-OUT OF REGIMENTS NOT VETERAN.

3. Where regiments fall under the provisions of section 1, General Remarks, and less than three-fourths thereof have re-enlisted, the re-enlisted men and all recruits (drafted and volunteer) who have joined the regiment since the date of its original muster-in (see 1, General Remarks) will be formed into one or more companies of the legal maximum standard, and officered by such officers as may be selected by the department or army commander. The remainder of the regiment will then be placed en route to the State, there to be mustered out and paid off in accordance with the Mustering Regulations of the Army.

In regiments falling under the provisions of section 2, General Remarks, and where less than three-fourths have re-enlisted, at the dates the periods of service of the respective companies expire, the men thereof entitled to discharge, and the company officers (present and absent), will be mustered out by the assistant commissary of musters of the division, in accordance with the rules enunciated in section 1 of paragraph 1. The remainder (re-enlisted men and recruits who have joined since the date of original organization) will be temporarily assigned to the last company to be mustered out. When the men of all the companies entitled to discharge have thus been disposed of, the remainder will be formed into one or more companies of the legal maximum standard, and officered by such officers as may be selected by the army or department commander.

II. Nothing herein will be considered as interfering with the requirements of General Orders, No. 182, series of 1863, from this office.

GENERAL REMARKS.

III. 1. Where all the companies of a regiment were mustered in within two months of the date at which the organization commenced, the date of muster-out of the organization will be determined by

reckoning the period of service from the date of muster-in of the last company. In accordance with this, if the last company of a regiment was mustered into service on the 20th of May, 1861 (that date is considered as the date of original organization and muster-in of the regiment), the period of service of the regiment will expire May 19, 1864 (expiration of original term), and at that date all the members of the regiment, except re-enlisted ones, and those who have joined since date of original organization, should be discharged.

2. Where there is a difference of two months or more between the dates of muster-in of the first and last companies, the companies will be mustered out separately, and the field and staff reduced proportionally, and in the inverse order in which they were mustered in, under paragraph 85, Mustering Regulations. The field officers, however, to be mustered out at each stage of the reduction will rest with the commander of the army or department. The musters-out will be made by the assistant commissary of musters for the division.

3. When troops are mustered out of service all officers and men, present and absent, who are entitled to be discharged, will be considered as mustered out at one time and place, except prisoners of war, who will be considered as in service until their arrival in a loyal State, with an allowance of time necessary for them to be returned to their respective places of enrollment. With officers and men of this class, commanding officers of regiments and companies will exercise great care in stating, in the remarks on the muster-out rolls, the dates and places of capture, thus: Prisoner of war. Captured at ———, December ———, 186—.

4. Officers and men absent from their commands, on detached service, sick in hospital or paroled (after the officer under whose command they may be has satisfied himself that their terms of service have expired), will be furnished with transportation by the Quartermaster's Department to the place where the regiment is to be mustered out, in time to be present at the said muster. The transportation will be furnished upon the requisition of the commanding officer under whom the officer or soldier may be serving, or of the surgeon in charge of the hospital where he may be sick. The descriptive lists of the men will accompany them, and be turned over to the officer who may be charged with mustering out the force, by whom (after the data therefrom has been entered on the muster-out rolls) they will be forwarded to the Adjutant-General of the Army. If from sickness or other proper cause enlisted men cannot be sent in time, as above directed, they will be discharged at the hospital, and their final papers there made out, under direction of the surgeon in charge, and forwarded to the commander having the power to discharge, as in the case of surgeon's certificate of disability. The principles announced in paragraphs 3 and 15, Appendix B, Revised Army Regulations, will be applied in such cases; and with a view to determining claims for pension, all information will be given in the papers which will throw light on the nature and cause of the soldier's sickness.

5. The following extracts from the Mustering Regulations are published for the information and guidance of all concerned:

Whenever volunteers, or militia, are mustered for final discharge, on the expiration of their term of service, a discharge will be furnished for each officer and soldier, whether present or absent.

The blanks for those must be filled with great care and neatness, and signed, with official rank affixed (at the left hand), by the colonel or other regimental commander for the field and staff, by captains or other company commanders for their respective companies, and by the mustering officer, and by the mustering officer returned to the said commanders for delivery to the individuals.

FORM OF DISCHARGE.

TO ALL WHOM IT MAY CONCERN :

[Cont of Arms.]

Know ye, That ———, a ——— of Captain ——— company [—], ——— regiment of ——— volunteers, who was enrolled on the ——— day of ———, one thousand eight hundred and ———, to serve ——— years or during the war, is hereby discharged from the service of the United States, this ——— day of ———, 186—, at ———, by reason (of being mustered out of service on the expiration of his term.) a No objection to his being re-enlisted is known to exist.

Said ——— was born in ———, in the State of ———, is ——— years of age, ——— feet ——— inches high, ——— complexion, ——— eyes, ——— hair, and by occupation, when enrolled, a ———.

Given at ———, this ——— day of ———, 186—.

—————
Commanding Company (or Regiment.)

A. B.,

Capt. ———, U. S. Infantry and Mustering Officer.

Where troops are mustered out of service, final statements must not be given. The muster-out rolls take the place of final statements in such cases.

6. As a general rule, in returning troops to their States for muster-out they will be sent to the points therein where they were mustered in, there to be met by mustering officers and paymasters.

7. To hasten the muster-out of troops it is hereby made the duty of regimental and company commanders, under the direction of the commissary of musters of the corps or department, and assistant commissary of musters for the division, to look after the data necessary for the preparation of the muster-out rolls. To this end it is directed that each company commander shall have the muster-out roll of his company, or such men thereof as are to be discharged, made out in rough, so that it can be quickly arranged, and a fair copy made at the required time.

8. As the interest of an enlisted man is always prejudiced if his record on the rolls is imperfect, mustering officers and paymasters will promptly report all officers who may neglect to have the rolls of their regiments and companies accurately made, with a view to their being recommended for dismissal from the service.

IV. In mustering out independent companies and batteries, or fractional parts thereof, the principles, so far as applicable, laid down herein for regiments will be observed. Questions which may arise relative thereto will be decided by department and army commanders.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

a This sentence will be erased, should there be anything in the conduct or physical condition of the soldier rendering him unfit for duty in the Army.

SPRINGFIELD, ILL., May 2, 1864.

Col. J. B. FRY:

Governor Yates absent. The State having furnished a large excess over quota, and responding freely to call for 100-days' men, draft as proposed by you seems not advisable.

F. A. HOFFMAN,
Acting Governor of Illinois.

JEFFERSON CITY, May 2, 1864.

J. B. FRY,
Provost-Marshal-General:

Your telegram of Saturday received. I answer "No."
WILLARD P. HALL,
Governor of Missouri.

COLUMBUS, May 2, 1864.

Hon. E. M. STANTON,
Secretary of War:

Colonel Potter, assistant provost-marshal-general, has orders to muster only maximum regiments under the 100-days' call. The agreement of the Governors April 21 provides for musters with minimum numbers. Please have Colonel Potter's order changed immediately, as we have large numbers now in camp awaiting muster. Have reports of more than 30,000 National Guards in camp and ready for muster.

B. R. COWEN,
Adjutant-General of Ohio.

DAVENPORT, May 3, 1864.
(Received 5 a. m. 4th.)

Hon. EDWIN M. STANTON,
Secretary of War:

Iowa is all right. The 10,000 are coming rapidly. We intend to beat Illinois and Indiana. Hurry up arms and clothing.
W. M. STONE.

WAR DEPARTMENT,
Washington, May 3, 1864.

Governor BRAMLETTE,
Frankfort, Ky.:

Congress has just passed a bill making appropriation for short service. This Department will accept 10,000 volunteer infantry from your State for six months' service, reckoned from the date of mustering in of the respective regiments. The regiments to be mustered when filled to their minimum strength according to the rules and regulations of the War Department. These troops to be credited pro rata on any quota a deficiency of the draft for three-years' troops, and any person drafted to be credited for his service. The troops to be raised within twenty days from this date. I hasten immediately on the passage of the bill to notify you, and await your answer.

EDWIN M. STANTON,
Secretary of War.

FRANKFORT, May 3, 1864.

Hon. E. M. STANTON,
Secretary of War:

The time allowed for raising six-months' men is too limited to effect much. Those sections which furnish our troops would not be notified in time to complete organizations. I must therefore decline the attempt.

T. E. BRAMLETTE.

CONCORD, N. H., *May 3, 1864.*

Col. J. B. FRY:

In answer to your dispatch of April 30 I will say that equity and justice demand that every town, city, or sub-district should furnish their quota of men. Any instructions you may give I will do all in my power to have promptly executed.

J. A. GILMORE,
Governor of New Hampshire.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
May 3, 1864.

Col. J. H. POTTER,
Superintendent, Columbus, Ohio:

The 100-days' troops are to be mustered in by regiments with minimum regimental organizations. Telegram of May 1 from Colonel Fry so states. Inform Governor.

THOS. M. VINCENT,
Assistant Adjutant-General.

SAINT ALBANS, VT., *May 3, 1864.*

Col. J. B. FRY:

I think an order for draft in different towns had better be issued, giving time, and, that they may have a chance to fill their quotas by volunteers, I wish the order might be issued to draft in the towns, naming them, and be ordered for the State, as it is largely in excess, and I do not wish the impression to be that the State is behind.

J. GREGORY SMITH,
Governor.

MADISON, *May 3, 1864.*

Col. J. B. FRY:

Wisconsin having furnished her quota I think draft should be postponed till after another call, when each sub-district should be required to make up deficiencies or stand draft.

JAMES T. LEWIS.

[MAY 3-10, 1864.—For correspondence between Stanton and Brongh in relation to the equipment and disposition of the Ohio 100-days' regiments, see Series I, Vol. XXXVII, Part I, pp. 374, 375, 379, 380, 390, 391, 403, 404, 425.]

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 4, 1864.

Brig. Gen. E. R. S. CANBY,
Assistant Adjutant-General, War Department:

GENERAL: In reply to your note of this date requesting a memorandum of the arrangements that have been made for supplying the militia that have been called out in the Western States with clothing, &c., I have the honor to inform you that Lieutenant-Colonel

Vinton, deputy quartermaster-general at New York, was ordered by telegraph the 2d instant to pick for transportation the clothing, except uniform coats and greatcoats, and equipage, except tents, for about 40,000 men. At the same time Colonel Crosman, assistant quartermaster-general at Philadelphia, was directed to prepare in a similar manner to supply about 30,000 men.

Orders were yesterday sent by mail to Colonel Vinton to send to Capt. George T. Browning, assistant quartermaster at Indianapolis, Ind., clothing and equipage in such quantities as will enable him, with the stock now on hand at that depot, to supply the 20,000 men to be furnished by the State of Indiana; to send in a similar manner to Capt. James Campbell, assistant quartermaster at Springfield, Ill., supplies sufficient to enable him, with his stock on hand, to clothe and equip 20,000 men to be furnished by the State of Illinois, and to send to Capt. N. B. Van Styke, assistant quartermaster at Madison, Wis., the necessary clothing and equipage to enable him to supply the 5,000 men to be furnished by that State.

Colonel Crosman was directed to send to Capt. Thomas J. Kerr, assistant quartermaster at Columbus, Ohio, the clothing and equipage necessary for equipping the troops (30,000) to be furnished by the State of Ohio.

The orders in each case directed the shipments to be made as early as practicable, but a subsequent letter was sent to Colonels Crosman and Vinton advising them to send only about one-half the articles immediately, and to hold the remainder ready for shipment as soon as the subordinate rendezvous might be designated.

The first installments on the above orders will probably leave the depots at New York and Philadelphia on the morning of the 6th (Friday), and the remainder as soon thereafter as the subordinate rendezvous is designated.

By order of the Quartermaster-General.

Very respectfully, your obedient servant,

A. G. ROBINSON,
Captain and Assistant Quartermaster.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, May 4, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I have the honor to report the measures taken thus far to provide arms for the three-months' men to be furnished by certain Western States.

Fifteen thousand Enfields were issued from Washington Arsenal on the 28th ultimo for Columbus Arsenal, with orders for them to be sent with dispatch.

Ten thousand sets of accouterments were issued from Alleghen Arsenal May 2, and 5,000 sets from New York Agency April 29, for same destination and under similar orders; and 5,000 Enfield muskets and sets of accouterments were ordered to be issued May 1 from New York Agency for Columbus Arsenal. This makes 20,000 muskets and accouterments sent to Columbus, and Captain Bradford has been specially ordered to hasten the arming of the Ohio troops.

Four thousand Enfield muskets were issued from Columbus Arsenal to Indianapolis Arsenal April 26, and 6,000 ordered to be issued to the same place on April 22.

Ten thousand sets accouterments were issued for these arms from Allegheny Arsenal on April 29. Captain Whitemore has similar orders as Captain Bradford so far as regards Indiana troops.

Five thousand Enfield muskets and accouterments were issued to Governor Yates from Detroit Arsenal on April 28, and 200,000 cartridges for these arms were ordered from Indianapolis Arsenal on April 22. Lieutenant Arnold has been ordered from Saint Louis Arsenal to Springfield, Ill., with similar instructions as the other two officers. Most of the foregoing stores should have reached their destination by this time.

Very respectfully, your obedient servant,

GEO. D. RAMSAY,
Brigadier-General and Chief of Ordnance.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 4, 1864.

His Excellency Governor O. P. MORTON,
Indianapolis, Ind.:

Do you think it advisable to proceed to draft in the deficient sub-districts of your State, so that all of them shall thus be made to fill the quotas heretofore assigned? Please answer by telegraph.

JAMES B. FRY,
Provost-Marshal-General.

Operator send similar dispatch to Governor Kirkwood, Des Moines, Iowa.

INDIANAPOLIS, *May 4, 1864.*

Brigadier-General FRY:

I should regard it as simply inexpedient to draft in Indiana in view of her large excess and what she is now doing.

O. P. MORTON,
Governor.

WAR DEPARTMENT,
Washington City, May 4, 1864.

His Excellency W. M. STONE,
Governor of Iowa, Davenport, Iowa:

Please report by telegraph places of rendezvous of the 10,000 troops, in order that arms and clothing may be sent to them at once.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

DAVENPORT, IOWA, *May 4, 1864.*

Brigadier-General CANBY,
Assistant Adjutant-General:

One regiment will organize at Keokuk and the others at Davenport. Send arms and equipments accordingly.

W. M. STONE.

WAR DEPARTMENT,
Washington City, May 4, 1864.

Governor STONE,
Davenport:

Orders for arms and clothing for your troops are issued. Thanks for your promptness. Lieutenant-Colonel Graham will be mustered in as you request; it has been ordered.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 4, 1864.

His Excellency W. M. STONE,
Governor of Iowa, Davenport, Iowa:

Your telegram is received. Arms and clothing are already ordered to Davenport. Supplies for one regiment will be sent to Keokuk.

By order of the Secretary of War:

ED. R. S. CANBY,
Brigadier-General and Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, May 4, 1864.

Governor BRAMLETTE,
Frankfort, Ky.:

The time named is the same asked for and allowed the Governors of the Western States; but if further time be required in Kentucky, it would be extended to such reasonable limits as the circumstances might justify, provided it was not too long for the pending campaign. Please inform me what period you need for raising the troops in your State.

EDWIN M. STANTON,
Secretary of War.

FRANKFORT, KY., May 4, 1864.
(Received 3.30 a. m. 5th.)

Hon. E. M. STANTON,
Secretary of War:

Will attempt to raise the troops in twenty days, but will likely require a month.

T. B. BRAMLETTE,
Governor of Kentucky.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 4, 1864.

Maj. W. H. SIDELL, U. S. Army,
Louisville, Ky.:

The 10,000 six-months' troops accepted from Kentucky are to be organized, clothed, armed, equipped, subsisted, transported, and paid as other U. S. infantry volunteers. They are to be mustered into U. S. service by regiments, when the regiments are filled to minimum

strength under the regulations governing. The troops are to be raised within twenty days from date of yesterday. Acknowledge receipt.

J. B. FRY,
Provost-Marshal-General.

CONFIDENTIAL.]

WAR DEPARTMENT,
Washington, D. C., May 4, 1864.

Governor BROUGH,
Columbus:

General Grant crossed the Rapidan this morning and is moving on Lee. Sherman moved to-day on Johnston from Chattanooga. Another army will move to-morrow. Your force cannot be ready for the field too soon. Let me know whatever is wanted and it will be supplied.
EDWIN M. STANTON.

(Same to Governor Morken, Indianapolis; Governor Yates, Chicago; Governor Stone, Iowa; Governor Lewis, Wisconsin.)

SENATE CHAMBER, *May 4, 1864.*

[Hon. E. M. STANTON,
Secretary of War:]

MY DEAR SIR: I beg to call your attention to a communication of Governor Andrew with reference to troops doing garrison duty in Massachusetts.

Faithfully yours,

CHARLES SUMNER.

[Inclosure.]

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPT.,
Boston, May 2, 1864.

Hon. CHARLES SUMNER,
U. S. Senate:

SENATOR: I will be much obliged if you will read the written communication which has been officially addressed to me by the adjutant-general of this Commonwealth, and then present it to the Secretary of War with any remarks which it may occur to you to make, if the views therein expressed shall meet with your concurrence.

I have the honor to remain, very truly, your obedient servant,

JOHN A. ANDREW,
Governor of Massachusetts.

[Sub-Inclosure.]

COMMONWEALTH OF MASSACHUSETTS,
ADJUTANT-GENERAL'S OFFICE,
Boston, May 2, 1864.

His Excellency JOHN A. ANDREW,
Governor and Commander-in-Chief:

GOVERNOR: Orders have been received to forward the battalion and unattached companies of heavy artillery doing garrison duty at the several forts in this Commonwealth, also the two companies at Gallop's Island. Seven of these companies have already left the State. One is at Fort Independence, but will be sent forward to-day, or as soon as relieved by the company of militia commanded by Captain

Bird. The battalion of four companies (Major Cabot) are yet at Fort Warren, and I think the safety of the fort and harbor requires that they should remain there.

There are now 172 rebel prisoners at the fort, among whom are Captain Read, of the Tacony, Captain Wobb, of the Atlanta, half a dozen of Morgan's guerrillas, and a large number of blockade runners. These men require close watching. There are 101 guns mounted, and the magazines are well supplied with proper ammunition. Major Cabot has given great attention to the discipline of his men in heavy artillery practice, and has made a valuable chart showing the range of the various channels. This knowledge is of great value, and has been gained through much practice.

These are a few of the reasons why I think it would not be well to have this battalion removed and its place supplied with raw militia who are wholly ignorant (officers and men) of heavy artillery practice and garrison duty in so important a post.

There is a constant detail of seventy-five men for guard duty. The garrison has been weakened by the withdrawal of one of the heavy artillery companies; more men are required for duty there, and at least two companies of militia should be sent there immediately. If the battalion is removed, at least eight companies of militia should be sent to take its place. I have thought it my duty to bring this matter to the attention of Your Excellency, as its importance has forced itself strongly upon my mind. I presume the subject has been already considered by you. I shall be pleased if the views herein expressed shall meet your approval.

With great respect, I have the honor to be, Your Excellency's obedient servant,

WM. SCHOULER,
Adjutant-General.

BOSTON, May 4, 1864.

Brig. Gen. J. B. Fry:

I respectfully request that orders to Major Clarke to enforce draft in Massachusetts be suspended until document is received from the city government of Boston and myself, now being prepared. This is after conference with Major Clarke. We are now gaining far more men than draft could possibly yield.

JOHN A. ANDREW,
Governor.

COLUMBUS, OHIO, May 4, 1864.

Hon. E. M. STANTON,
Secretary of War:

The National Guard of Ohio have fully responded to my call. They do not want to be credited on the quota, and they want the draft to go forward, but they ask to be exempted from it, that the draft may fall on the stay-at-homes; that is, if the man is drawn who belongs to the National Guard it be laid aside the same as an enlisted volunteer, and another name be drawn. For many reasons I recommend this. If it can possibly be done it will increase rather than decrease our military strength, and will somewhat equalize the burdens of the service. Our guard is composed exclusively of Union men.

JOHN BROUGH,
Governor.

SPRINGFIELD, ILL., May 5, 1864.

Hon. EDWIN M. STANTON,

Secretary of War:

Your dispatch urging haste in raising Illinois troops under last call is received, but to this hour no transportation, subsistence, or supplies could be procured for volunteers now ready to go into camp. Please instruct the proper officers to furnish without delay. Remember that I have no military organization, but the troops will be raised within the time limited if these facilities are promptly furnished.

RICHD. YATES,
Governor of Illinois.

WAR DEPARTMENT,

Washington City, May 5, 1864.

Governor MORTON,

Indianapolis:

Your telegram has been referred to General Canby, who has charge of the supplies for the new volunteers. The regiments should be pushed forward to Nashville as fast as they are filled up. Major-General Milroy has been ordered to Nashville to receive and organize them. Nothing heard from the front to-day. I will keep you advised of results.

EDWIN M. STANTON,
Secretary of War.

WASHINGTON, D. C., May 5, 1864.

Governor MORTON,

Indianapolis, Ind.:

Of the first ten regiments of militia raised in Indiana five will be sent to Nashville, subject to orders of Major-General Thomas, and five to Louisville, subject to orders of General Schofield.

H. W. HALLERCK,
Major-General and Chief of Staff.

DAVENPORT, May 5, 1864.

Col. J. B. FRY:

Iowa requires no draft. We have furnished all quotas and will send you volunteers in addition.

N. B. BAKER,
Adjutant-General.

DAVENPORT, May [5], 1864.

Colonel FRY:

The Governor directs [me] to say that he wants no draft in Iowa, we being 10,000 men in excess of all calls.

N. B. BAKER,
Adjutant-General of Iowa.

WAR DEPARTMENT,
Washington City, May 5, 1864.

Major-General HEINTZELMAN,
Columbus, Ohio:

Of the first ten regiments of militia raised in Indiana send five to Nashville, Tenn., subject to orders of Major-General Thomas, and five to Louisville, subject to orders of General Schofield. Of first ten regiments raised in Illinois send five to Memphis and five to Columbus, Ky., subject to orders of General McPherson. Telegraph to these officers as regiments are sent.

H. W. HATLECK,
Major-General and Chief of Staff.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 5, 1864.

His Excellency Governor AUSTIN BLAIR,
Detroit, Mich.:

Do you think it advisable to proceed to draft in the deficient sub-districts of your State, so that all of them shall thus be made to fill the quotas heretofore assigned? Please answer by telegraph.

I repeat this dispatch as I was unable to see Governor Blair in Washington.

JAMES B. FRY,
Provost-Marshal-General.

DETROIT, MICH., May 5, 1864.

Col. J. B. FRY:

Governor Blair has not returned to Michigan. Your dispatch of this date will be presented immediately on his arrival.

F. MORLEY,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, May 5, 1864.

His Excellency JOHN BROUGH,
Governor of Ohio, Columbus:

After mature consideration of your suggestion in regard to the draft, it seems to me impossible for the Department to conform to your wishes, for the following among other reasons:

First. Any change in the terms agreed upon between the Governors and the President in one instance would form certain occasion for an infinite number of changes that would be applied for by others, and would lead either to great discontent at their being refused or to serious injury to the service by adopting them.

Second. The terms of the arrangement were called for by the Committee on Finance, and form the basis of their recommendation for the appropriation. In their view and in the view of General Grant it was deemed an indispensable condition that the special volunteers should in no wise interfere with the operation of the law for drafting. A change now made in the particular you mention would be charged immediately as a breach of faith on the part of the Executive with Congress, and might lead to very serious complication.

EDWIN M. STANTON,
Secretary of War.

COLUMBUS, OHIO, May 5, 1864.

Hon. E. M. STANTON:

My request was to exempt members of the National Guard actually in service from operations of the present draft to fill Ohio's quota on the last call, but not to extend to any draft on any future call. No other State tendering militia can object to this, as their last quotas are all full. Neither does it break any faith with Congress, as it does not change the position of the State as to filling her quota by draft. I propose that the draft shall go on and the quota be filled thereby, but simply to limit its operations to men who have not enlisted or responded to the call for the National Guard. Thus I put you 80,000 National Guard into the 100-days' service, and by draft fill my quota of 9,200 from other citizens of the State. I do not reduce you a man in the service, but add to it in the number of men who may be drafted from the guard. I do not ask any credit for the guard on quotas, nor any exemption for it on future calls, if any are made. Is not this reasonable and just? I know it will be acceptable to our people.

JOHN BROUGH.

EXECUTIVE DEPARTMENT,
Madison, Wis., May 5, 1864.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I am directed by the Governor to hand you the inclosed copy of General Orders, No. 11, in regard to the raising of volunteers for 100 days in this State.

Respectfully,

FRANK H. FIRMIN,
Private and Military Secretary.

(Inclosure.)

CALL FOR 100-DAY'S MEN.

GENERAL ORDERS, } HQRS. ADJUTANT-GENERAL'S OFFICE,
No. 11. } Madison, Wis., May 2, 1864.

I. The General Government will accept volunteers from this State for service of 100 days as U. S. troops, provided they are offered within fifteen days from date. The limited time remaining in which to complete the organization of these troops will require immediate and energetic action. This service is voluntary. Opportunity is herein given to those citizens of the State whose duties have heretofore prevented their enlistment for the longer terms of active service to unite their energies with those of our regiments already in the field and, by relieving our veteran troops from posts and fortifications, to share in the glory of an endeavor to render the immediate campaign both successful and decisive.

II. The present State militia organization will be the basis of four regiments, should they tender their services, in which case the present regimental and company commanders are requested to take immediate steps to recruit the companies to the minimum prescribed by existing regulations of the War Department, to wit:

One captain, 1 first lieutenant, 1 second lieutenant, 1 first sergeant, 4 sergeant 8 corporals, 2 musicians, 1 wagoner, and not less than 64 privates.

When complete to a minimum the commanding officer of each company will immediately report the fact to this office and to the colonel commanding the regiment.

III. Companies and recruits for the First and Second Regiments will rendezvous at Camp Washburn, Milwaukee, and for the Third and Fourth at Camp Randall, in Madison. Persons not connected with either of the regiments desiring to enter this service can report at either of the above-named camps, at which mustering officers will be stationed for the receipt, subsistence, and muster of recruits for this service.

IV. These troops are to be organized, clothed, armed, equipped, subsisted, transported, and paid as other U. S. infantry volunteers. They will be mustered into the service of the United States by regiments when the regiments are filled to the minimum strength, and are to serve in fortifications, or wherever their services may be required, within or without this State. No bounty will be paid these troops, nor the service charged or credited on any draft; and soldiers in this service will be subject to draft for three-years' service, should such draft be ordered; but should any officer or soldier be drafted while in this special service he will be credited for the service already rendered.

V. Contracts for subsistence of recruits while at company rendezvous must be made, subject to the approval of the superintendent of recruiting service, Col. J. D. Greene, Eighth [Sixth] U. S. Infantry, Madison, Wis., and conform to provisions of General Orders, No. 131, War Department. Transportation for companies or squads will be furnished upon application to this office.

VI. All communications pertaining to the organization of these forces should be addressed to the adjutant-general as the proper medium of communication with the commander-in-chief. The proposition on the part of the Governors of Ohio, Indiana, Illinois, Wisconsin, and Iowa to furnish extra men for service of 100 days originated in an ardent desire on their part to put the success of the approaching campaign beyond question, and thus speedily crush the rebellion which has so long cursed our land; and although no one will be compelled to go upon this extra service, yet, believing that this will be the last great struggle; that the rebels are about to make a last desperate effort; that a heavy and well-directed blow at this time may and probably will close the war and save us much sacrifice in the future; that a few thousand men at this time will be of great service to the Union cause, the Governor hopes and desires to see Wisconsin add new glory to the fame she has already acquired in this war by promptly furnishing at least 5,000 of her sons to take part in what he trusts will prove the decisive and closing campaign of the war.

By order of the Governor:

AUG. GAYLORD,
Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., May 6, 1864.

Brig. Gen. EDWARD R. S. CANBY,
War Department, Washington, D. C.:

GENERAL: In reply to your communication of May 5 with reference to the steps taken by this office toward hurrying forward the supplies for the 100-days' men in the West, I have the honor to submit the following statement:

The supplies for Ohio, Indiana, Illinois, and Wisconsin were ordered from New York, Philadelphia, and Cincinnati the first of this week

by telegraph, the details of the requisitions being sent the same day by mail. The contingent of Iowa was received afterward and the orders given in the same way on the 4th instant. The necessity of the greatest dispatch in forwarding the supplies was duly impressed, and instructions to forward the first installment at once were sent to Colonels Vinton, Grosman, and Swords at their respective depots. A portion of these supplies were on hand at the subordinate State depots, from whence they can be issued at once. Everything, it is confidently expected, will go forward this week toward its destination. Telegraphic dispatches were sent to Philadelphia and New York this morning to ascertain the progress made. They have not as yet been answered. Details of the steps taken were forwarded to you from the Clothing Bureau on the 4th instant. The supplies for Ohio were ordered as follows: for three regiments, to Zanesville and Bellaire, via Wheeling, Va.; for fourteen regiments, to Cincinnati; for ten regiments, to Columbus; for six regiments, to Cleveland; and for two regiments, to Johnson's Island. Those for Illinois were sent for 12,000 men to Springfield, and for 8,000 to Chicago. Those for Indiana all to Indianapolis. Those for Wisconsin were sent for 3,000 men to Milwaukee and for 2,000 men to Madison. Those for Iowa were sent for one regiment to Keokuk, the remainder to Davenport.

Officers at these several points were ordered to distribute the supplies with all dispatch, and the Governors of the respective States notified by telegraph to-day of the destinations of the supplies. In fact, every available means has been taken to hasten the distribution of these supplies. The Adjutant-General was this day notified that the Quartermaster's Department was prepared to equip 10,000 six-months' men at once in Kentucky, and suggestion made that the supplies be collected at Louisville.

QUARTERMASTER-GENERAL'S OFFICE,
May 7, 1864.

The above was prepared yesterday and handed to me this morning for signature. I add that on returning last evening, learning that all the material had not yet gone, I telegraphed the officers at Philadelphia and New York to send trusty agents to accompany each shipment to its place of destination.

I am, very respectfully, your obedient servant,
M. C. MEIGS,
Quartermaster-General.

Springfield, May 6, 1864.

Colonel Fry:

I fully concur in the dispatch sent by Lieutenant-Governor Hoffman in relation to draft, and fear such a step would be almost revolutionary.

R. YATES,
Governor.

WAR DEPARTMENT,
Washington City, May 6, 1864—12 p. m.

Governor BROUGH,
Columbus:

Dispatches received from General Butler report his movement up the James River and the successful landing of his army at City Point

The Army of the Potomac and Lee's army came in collision yesterday near Chancellorsville, and a partial engagement ensued without any definite result. A general battle was expected to take place to-day. Nothing has yet been heard from the field. General Sherman expects a battle with Johnston at Tunnel Hill to-morrow. You will be kept advised.

EDWIN M. STANTON,
Secretary of War.

(Same to Governor Morton, Indianapolis; Governor Stone, Davenport; Governor Lewis, Wisconsin.)

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 193. } Washington, May 7, 1864.

ACTING ORDNANCE OFFICERS OF DIVISIONS, BRIGADES, &c.

For the purpose of more perfectly organizing the service of the Ordnance Department as connected with armies in the field and the military departments, and at the same time securing for that department the services of a body of efficient officers, trained to its special duties, *it is ordered:*

1. That there shall be attached to the general staff of every division in the Army of the United States, and to that of each brigade or military district where no division organization exists, an acting ordnance officer, who shall be held directly responsible to the chief ordnance officer at the general headquarters of the army or department in which he may be serving for the manner in which he shall perform the special duties of his office.

2. These officers shall be captains and lieutenants in the line of the regular or volunteer service, selected for the position on account of their peculiar fitness for it, and, if possible, from those who have already had some experience in ordnance duty. They shall be appointed and assigned to duty by the commander of the army or department, and by him alone, upon the recommendation of the senior ordnance officer on duty at general headquarters; and all removals or changes of station of these officers are to be made by the same authority, and on the recommendation of the senior ordnance officer.

3. It shall be the duty of such officers to keep themselves thoroughly acquainted with the armament of each regiment and battery in the division, brigade, or district with or in which they serve, to see that all arms, accoutrements, and equipments are kept in a serviceable condition by timely repairs, and to promptly report to the chief ordnance officer of the army or department all injuries to or losses of ordnance property, which may be due to the neglect or carelessness of regimental or company commanders.

4. They will have charge of the ammunition supply trains attached to the division or brigade and will be held responsible that ample supplies of ammunition are at all times in the hands of the troops, and that there is a full reserve supply in the train or the district depot.

5. Immediately after an engagement, in case our forces hold the field, they will take charge of all ordnance and ordnance stores found on that portion of it occupied by the division or brigade in which

they are attached; they will see that regimental and company commanders collect and secure all arms, accoutrements, and ammunition belonging to soldiers of their companies or regiments who have been killed or wounded or who have abandoned such supplies; they will give receipts for all such ordnance stores as are no longer needed by the regiment, and will cause them to be sent, together with all captured ordnance stores of whatever description, to the nearest ordnance depot or arsenal for deposit and repair. All defects in arms, ammunition, or any other ordnance stores coming under their observation will at once be reported to the chief ordnance officer of the army or department, together with all the information to be obtained, which may aid the Ordnance Department to correct the evil.

6. It shall be their duty to ascertain, at the close of every official quarter, whether the ordnance and ordnance stores in hands of the troops have been duly accounted for by the officers responsible for them, for the whole time they are so responsible, and to report all delinquent officers to senior ordnance officers at general headquarters, to be by him reported to the Chief of Ordnance, at Washington.

7. All requisitions for ordnance and ordnance stores for the use of any troops in the division, brigade, or district must be duly approved by them before being transmitted to general headquarters, and they will be held responsible that all requisitions so transmitted are made in strict compliance with the regulations of the Ordnance Department.

8. In addition to these duties, they will promptly execute all special orders which may, from time to time, be given them by the chief ordnance officer to whom they report.

9. In order that the Ordnance Department may be kept fully advised of the names of all officers who are thus temporarily attached to it, a report of the acting ordnance officers in every army or department, designating the division, brigade, or district to which they are attached, shall be made on the last day of every month to the Chief of Ordnance, at Washington, D. C., by the senior ordnance officer of each army or department.

10. Hereafter, whenever it may become necessary to establish temporary ordnance depots for the service of an army in the field, it shall be done only by the order of the officer commanding the army or department, on the recommendation of his chief ordnance officer. The officers to take charge of such depots shall all be selected by the chief ordnance officer and assigned to duty or transferred from one depot to another by the officer commanding the army or department, and by him alone. The names of all such depots, and those of the officers in charge of them, will at once be forwarded to the Chief of Ordnance, at Washington, D. C., and their names will be included in the monthly report of acting ordnance officers of divisions, prescribed in the preceding paragraph.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

MAY 7, 1864.

THE SENATE OF THE UNITED STATES:

In compliance with the request contained in a resolution of the Senate dated April 30, 1864, I herewith transmit to your honorable body a copy of the opinion by the Attorney-General on the rights of

colored persons in the army or volunteer service of the United States, together with the accompanying papers.*

ABRAHAM LINCOLN.

[Inclosure No. 1.]

ATTORNEY-GENERAL'S OFFICE,

April 23, 1864.

The PRESIDENT:

SIR: You have done me the honor to refer to me a communication to yourself from His Excellency John A. Andrew, Governor of Massachusetts, with accompanying papers, relative to the claim of Rev. Samuel Harrison for pay as chaplain of the Fifty-fourth Regiment of Massachusetts Volunteers.

It appears by Governor Andrew's letter and the other papers that Mr. Harrison, who is a colored man, was duly elected, and on the 8th day of September, 1863, commissioned by Governor Andrew as chaplain of the Fifty-fourth Regiment of Massachusetts Volunteers in the service of the United States; that on the 12th of November, 1863, he was mustered and accepted into the service of the United States at Morris Island, S. C., by the proper mustering officer, and actually performed the duties of chaplain of that regiment then and since serving in South Carolina. On demanding his pay as chaplain he was met by the following refusal in writing, signed by the paymaster at Hilton Head:

Samuel Harrison, chaplain of the Fifty-fourth Regiment Massachusetts Volunteers (colored troops), asks pay at the usual rate, \$100 per month and two rations, which, he being of African descent, I decline paying, under act of Congress, passed July 17, 1862, employing persons of African descent in the military service of the United States. The chaplain declines to receive anything less.

You have requested my opinion whether the paymaster should have paid as demanded, and, if he should, whether it is your duty to order him to do so.

The Fifty-fourth Regiment of Massachusetts Volunteers was organized in the same manner as were other regiments of State volunteers under the following order of the War Department, dated January 26, 1863, viz:

Ordered, That Governor Andrew, of Massachusetts, is authorized, until further orders, to raise such number of volunteer companies of artillery, for duty in the forts of Massachusetts and elsewhere, and such corps of infantry for the volunteer military service as he may find convenient, such volunteers to be enlisted for three years or until sooner discharged, and may include persons of African descent, organized into separate corps. He will make the usual needful requisitions on the appropriate staff bureaus and officers for the proper transportation, organization, supplies, subsistence, arms, and equipments of such volunteers.

EDWIN M. STANTON,

Secretary of War.

I do not know that any rule of law, constitutional or statutory, ever prohibited the acceptance, organization, and muster of "persons of African descent" into the military service of the United States as enlisted men or volunteers. But whatever doubt might have existed on the subject had been fully resolved before this order was issued, by the eleventh section of the act of July 17, 1862, chapter 195, which

*The commission of Chaplain Harrison by the Governor of Massachusetts, the certificate of his muster into the U. S. service, and letter from the Attorney-General's Office, dated May 4, 1864, transmitting copy of the opinion in this case, are here omitted.

authorized the President to employ as many persons of African descent as he might deem necessary and proper for the suppression of the rebellion, and for that purpose to organize and use them in such manner as he might judge best for the public welfare, and the twelfth section of the act of same date, chapter 201, which authorized the President to receive into the service of the United States for the purpose of constructing intrenchments or performing camp service or any other labor, or any military or naval service for which they might be found competent, persons of African descent, such persons to be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President might prescribe.

The Fifty-fourth Massachusetts Regiment was therefore organized and mustered into the service of the United States under clear authority of law.

But the fifteenth section of the act of July 17, 1862, chapter 201, after directing that all persons who have been or shall be enrolled in the service of the United States under that act shall receive the pay and rations then allowed by law to soldiers, according to their respective grades, contains this proviso:

That persons of African descent who, under this law, shall be employed shall receive ten dollars per month and one ration, three dollars of which monthly pay may be in clothing.

Whether persons of African descent "enrolled in the service of the United States" as private soldiers are included within the words "persons of African descent who under this law shall be employed," thereby limiting their pay as soldiers to \$10 a month, is not the question you have submitted to me—for Mr. Harrison was not a private soldier, but an officer, serving under the commission of the Governor of Massachusetts, the authenticity and validity of which were recognized and admitted by the United States when he was mustered into its service—but the question is, Can a person of African descent lawfully hold the office and receive the pay of chaplain of a volunteer regiment in the service of the United States?

I have already said that I know of no provision of law, constitutional or statutory, which prohibited the acceptance of persons of African descent into the military service of the United States; and if they could be lawfully accepted as private soldiers, so also might they be lawfully accepted as commissioned officers, if otherwise qualified therefor. But the express power conferred on the President by the eleventh section of the act of July 17, 1862, chapter 195, before cited, to employ this class of persons for the suppression of the rebellion as he may judge best for the public welfare, furnishes all needed sanction of law to the employment of a colored chaplain for a volunteer regiment of his own race. Nor is any prohibition of the employment of such person found in the statutes which declare the qualifications of chaplains. The ninth section of the act to authorize the employment of volunteers, &c., of July 22, 1861, chapter 9, provides that there shall be allowed to each regiment one chaplain, who shall be appointed by the regimental commander on the vote of the field officers and company commanders on duty with the regiment at the time the appointment shall be made. The chaplain so appointed must be a regularly ordained minister of a Christian denomination, &c. The seventh section of the act of August 3, 1861, chapter 42, for the better organization of the military establishment, declares that one chaplain shall be allowed to each regiment of the army, to be selected and

appointed as the President may direct, provided that none but regularly ordained ministers of some Christian denomination shall be eligible to selection or appointment. The eighth section of the act of July 17, 1862, chapter 200, declares that the two sections last cited shall be construed to read as follows:

That no person shall be appointed a chaplain in the United States Army who is not a regularly ordained minister of some religious denomination, and who does not present testimonials of his present good standing as such minister, with a recommendation for his appointment as an army chaplain from some authorized ecclesiastical body, or not less than five accredited ministers belonging to said religious denomination.

The closest inspection of these provisions will discover nothing that precludes the appointment of a Christian minister to the office of chaplain because he is a person of African descent. I therefore conclude that Mr. Harrison was the lawfully appointed and qualified chaplain of the Fifty-fourth Massachusetts Regiment.

The ninth section of the act of July 17, 1862, chapter 200, provides that thereafter the compensation of all chaplains in the regular or volunteer service or army hospitals shall be \$100 per month and two rations a day when on duty. Was Mr. Harrison entitled to this rate of compensation, or was he limited to the pay of \$10 a month and one ration, fixed by the proviso to the fifteenth section of the act of July 17, 1862, chapter 201?

It will be observed that this proviso declares that \$10 a month and one ration shall be received by persons of African descent employed under the law of which it is a part, viz: the act of 17th July, 1862, chapter 201. Now, we have seen that it is not necessary to resort to that law to find authority for the appointment of Mr. Harrison as chaplain, for, apart from the authority which might be presumed to exist prior to the enactment of any of these statutes, the eleventh section of the act of July 17, 1862, chapter 195, sufficiently warranted it. To bring him, then, within the sweep of this proviso, and thus withdraw him from the reach of the act which specifically fixes the pay of the class of officers to which by clear law he belongs, would violate the plainest principles of construction. The act, of which the proviso is a part, was not intended, in my opinion, either to authorize the employment or fix the pay of any persons of African descent, except those who might be needed to perform the humble offices of labor and service for which they might be found competent. The twelfth section authorizes them to be received into service for the purpose of constructing intrenchments, or performing camp service, or any other labor, or any military or naval service for which they might be found competent. The thirteenth section declares that when any man or boy of African descent, who by the laws of any State shall owe service or labor to any person aiding the rebellion, shall render such service as this act provides for, he, his mother, wife, and children shall be free thereafter, with certain exceptions. And the fifteenth section fixes their pay, as before stated. Whilst it is true that the words of the twelfth section are broad enough to embrace all persons of African descent who may be received into the military or naval service of the United States, it is yet quite evident from the terms of the whole section, as well as from the promise of freedom held out to such persons who were slaves, in the thirteenth section, that in limiting their pay to \$10 a month and one ration, Congress had in view the class who were fitted only for the humbler kinds of service referred to, and not persons who, under the authority of other laws, might be appointed

to positions requiring higher qualifications and entitled to a higher rate of pay. To assume that because Mr. Harrison is a person of African descent he shall draw only the pay which this law establishes for the class it obviously refers to, and he deprived of the pay which another law specifically affixes to the office he lawfully held, would be, in my opinion, a distortion of both laws, not only unjust to him, but in plain violation of the purpose of Congress.

I therefore think that the paymaster should have paid Mr. Harrison his full pay as chaplain of a volunteer regiment.

Your attention having been specially called to the wrong done in this case, I am also of opinion that your constitutional obligation to take care that the laws be faithfully executed makes it your duty to direct the Secretary of War to inform the officers of the Pay Department of the Army that such is your view of the law, and I do not doubt that it will be accepted by them as furnishing the correct rule for their action.

I am, sir, very respectfully, your obedient servant,
EDWARD BATES,
Attorney-General.

[Inclosure No. 2.]

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPT.,
Boston, March 24, 1864.

HIS EXCELLENCY ABRAHAM LINCOLN,
President of the United States, Washington, D. C.:

SIR: I beg leave to submit to your consideration by this communication and accompanying papers the case of the Rev. Samuel Harrison, lately chaplain of the Fifty-fourth Regiment of Massachusetts Volunteers.

Mr. Harrison was duly elected chaplain of the Fifty-fourth Massachusetts Volunteer Infantry August 22, 1863; was commissioned by me as such September 8, 1863, and was mustered into the service of the United States November 12, 1863, at Morris Island, S. C., by Charles A. Brooks, mustering officer.

On demanding his pay as chaplain of the U. S. paymaster at Hilton Head, S. C., he was met by the following refusal in writing, viz:

HILTON HEAD, S. C., February 6, 1864.

Samuel Harrison, chaplain of the Fifty-fourth Regiment Massachusetts Volunteers (colored troops), asks pay at the usual rate, \$100 per month and two rations, which, he being of African descent, I decline paying, under act of Congress passed July 17, 1862, employing persons of African descent in the military service of the United States. The chaplain declines to receive anything less.

A. TEN BYOK,
Paymaster, U. S. Army.

I respectfully ask Your Excellency's attention, as a preliminary inquiry, to the manner in which the Fifty-fourth Regiment of Massachusetts Volunteers, and its companion, the Fifty-fifth, were organized.

They were organized as Massachusetts Volunteers precisely in the same manner as were other regiments of State volunteers, and under the following order of the War Department, viz:

WAR DEPARTMENT,
Washington City, January 26, 1863.

Ordered, That Governor Andrew, of Massachusetts, is authorized, until further orders, to raise such number of volunteer companies of artillery, for duty in the forts of Massachusetts and elsewhere, and such corps of infantry for the volunteer military service as he may find convenient, such volunteers to be enlisted for

three years or until sooner discharged, and may include persons of African descent, organized into separate corps. He will make the usual perfunctory requisitions on the appropriate staff bureaus and officers for the proper transportation, organization, supplies, subsistence, arms, and equipments of such volunteers.

EDWIN M. STANTON,

Secretary of War.

In no respect do the troops raised and organized under this order differ, as to the provision by the order for their organizations, rights, liabilities, or pay, from any other regiments of volunteers. And admitting, for the sake of the argument, that any men mustered as soldiers, and doing a soldier's duty, can be rightly turned off with less than a soldier's pay, still these two regiments from Massachusetts are under no such possible disability. They were raised, enlisted, mustered, sworn in, and used under the laws for raising and accepting volunteers. They stand in every respect, as the foregoing order shows, upon the same laws which support the rights of white soldiers. The order of the President of the United States, issued under the hand of the Secretary of War, the contract of enlistment, the muster-rolls, and the commissions of their officers are all evidence of the identity of these regiments in rights and legal character with all other regiments of State volunteers. They were raised in direct pursuance of, in specific reference and conformity to, and, by express words, under, the act of Congress for the recruitment and acceptance of State volunteers, and the laws for the payment of the volunteer army of the United States apply to these men, or they apply to nobody.

Under the eleventh section of the one hundred and sixty-fifth chapter of the acts of 1862 the President is specifically authorized to employ persons of African descent, "and for this purpose he may organize and use them in such manner as he may judge best for the public welfare." Acting through the Secretary of War, the President did think best to cause these men to be organized into regiments as volunteer soldiers, under the act of Congress for the acceptance of volunteers. They became such volunteers by the concurrent act of the Government and themselves. But before the passage of this act, indeed, your excellency was not restricted to the acceptance of white men by the laws authorizing you to accept volunteers. A man of African descent has always been competent to be enlisted into the Regular Army of the United States, into the Navy of the United States, and to be employed in any arm of either service. In the Navy, men of color have always been employed and have been paid according to the grade of their employment. Even in the Army, colored men, acting in the capacity of stevedores and as employés of the Quartermaster's and Ordnance Departments, have been and are employed, and are paid according to the value of their services, sometimes, as I am informed, even at the rate of \$1 by the day. So that not only is the distinction made by the paymaster against these troops contrary to the law and to justice, but opposed to the daily practice of the Government itself.

The case of Chaplain Harrison, however, carries us a step further, as it is the case of an officer, duly mustered into the service of the United States, who has performed the duties of an officer and claims the full pay of an officer.

More than this, it is the case of a man filling a sacred office; one who has presented the lawful testimonials of the appropriate ecclesiastical authorities, proving that he is a clergyman in good and regular standing with his denomination; one who has been legally elected by the votes of the field officers and company commanders of a volunteer

regiment to the office of chaplain, who has, pursuant thereto, been duly commissioned as such by the Governor of his State, according to the law and the regulations of the Army, and who has been mustered as such into the military service of the United States, and who, so long as his health permitted, has continued to perform the religious and official functions pertaining to his capacity and duty.

If, as private soldier, he might not have been, by reason of his color, entitled to the full pay of a soldier, even while performing the full duty of a soldier; if as an officer of U. S. Volunteers, he was, by reason of his color, to be deprived of the compensation provided by law for officers of his rank and grade; yet it will be the first time, I believe, since the Christian era that a man in holy orders in the Christian church has, by reason of his color, descent, or origin, been refused the rights, immunities, and privileges pertaining to his office and character.

In the ancient church of Rome, whose history antedates all other Christian churches, the road has been open to men of African descent to positions of high dignity and honor. Not only to the lower orders of the priesthood, but even bishoprics have been filled by men of this complexion. Nor is color or national origin the condition of reception or the ground of rejection in any Protestant church of Christendom, whether in regard to laymen or clergymen. For the first time now in history has it happened that such a laborer is pronounced to be unworthy of secular recognition; and I earnestly ask Your Excellency to consider whether it can be possible that a man set apart by a branch of the church as a competent minister of religion, elected by his brother officers as one of themselves, commissioned according to the law, and mustered as an officer, and entitled, as I have shown by Your Excellency's own order, to all the rights of other officers of volunteers, shall be condemned, in contempt of his origin according to the flesh, to suffer loss of the pay and allowances provided for incumbents of the office he filled, and be degraded in his compensation to the rank of persons unenlisted, uninitiated, unsworn, and unmustered, who are employed in mass under an exceptional statute for whatever services they may severally and respectively be found afterward competent to perform.

I appeal, therefore, to Your Excellency, as the supreme executive magistrate, to direct the Pay Department of the Army to recognize the rights of this chaplain, and to pay him accordingly. I appeal not merely in behalf of the men of African descent against a decision made in defiance of the law and of the contract, but in behalf of the official character of an officer of volunteers which this decision appealed from seeks to reduce to that of a chance employé at day labor; and also in behalf of the Christian church, whose creed forbids any respect of persons, save that founded in religion itself, before whose altars all earthly distinctions vanish, the peasant and noble kneeling alike in the humility of a common penitence, and at whose altars its ministers serve a celestial master, bound together by the ties of a spiritual brotherhood, "not after the law of a carnal commandment, but after the power of an endless life." In one word, may it please Your Excellency, the sacraments, the doctrines, the consolations of the Christian church do not derive their efficacy from the origin, color, or social position of its ministers; nor are the prejudices of men, moved by secular ambition and worldly motives and principles, entitled to any place at the altar of God. The church decides who are its pastors. The flock, in this instance, according to the law,

chooses its own shepherd or chaplain. A refusal by an officer of the Executive Department to recognize the capacity and the rights of this chaplain is alike in violation of the rights of the Christian church and of the laws of Congress.

I have the honor to be, Your Excellency's obedient servant,
JNO. A. ANDREW.

[Endorsement.]

APRIL 4, 1864.

ATTORNEY-GENERAL:

Please give me your legal opinion whether the paymaster should have paid as demanded; and if yes, is it the duty of the President to order him to pay?

A. LINCOLN.

WAR DEPARTMENT,

Washington, D. C., May 7, 1864—7.10 p. m.

Major-General DIX,
New York:

General Peck is authorized to report to you for duty. We have no official reports from the Army of the Potomac since Wednesday's dispatch from General Grant announcing his crossing of the Rapidan. There is no telegraphic or railroad communication within thirty or forty miles of his headquarters. It is certain, however, that the Army of the Potomac and Lee's forces came in collision on Thursday and an indecisive action was fought yesterday. The report of the Tribune correspondent, published this morning and forwarded from here last night, is the substance of all that is known here at this hour. Many reports are in circulation of advantages on one side or the other, but are mere conjectures or inventions. There will be no restriction upon the publication of transpiring events, and you shall be promptly notified of all that is known. A dispatch from General Butler, just received, reports him in position with his whole force, on the road between City Point and Petersburg, his expectations being thus far fully realized. Nothing for two days from Sherman, who expected a battle to-day at Tunnel Hill. General Canby has been assigned to command the forces on Red River, and has gone forward. The reports received are not favorable to General Banks. We have no official intelligence of Steele having fallen back to Little Rock, but it is believed by Assistant Quartermaster-General Allen to be true. Major-General Foster has been assigned to command in the Department of the South, Gillmore being with General Butler.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,

Washington City, May 8, 1864—7 a. m.

Major-General DIX,
New York:

We have no official reports from the front, but the medical director has notified the Surgeon-General that our wounded were being sent to Washington and will number from 6,000 to 8,000. The chief quartermaster of the Army of the Potomac has made requisition for seven days' grain and for railroad construction trains, and states that

the enemy is reported to be retiring. This indicates General Grant's advance and affords an inference of material success on our part. The enemy's strength has always been most felt in his first blows, and these having failed and our forces not only maintained their ground but preparing to advance, lend to the hope of full and complete success, for when either party falls back disorganization by straggling and desertion commences, and the enemy's loss in killed and wounded must weaken him more than we are weakened. Nothing later than my last night's dispatch has been received from General Butler. A dispatch from General Sherman dated at 5 p. m. of yesterday states that General Thomas had occupied Tunnel Hill, where he had expected a battle, and that the enemy had taken position at Buzzard's Roost Pass, north of Dalton. Skirmishing had taken place, but no real fighting yet. Nothing later from General Banks. You may give such publicity as you deem proper to the information transmitted to you. It is designed to give accurate official statements of what is known to the Department in this great crisis and to withhold nothing from the public.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 8, 1864--4 p. m.

Major-General DIX,
New York:

We are yet without any official dispatches from the Army of the Potomac, except those referred to this morning from the medical director and chief quartermaster, and nothing additional has been received by the Department from any other source. It is believed that no fighting took place yesterday. A part of the wounded arrived in ambulances this morning at Rappahannock Station, and are on the way in by railroad. The Department will probably receive dispatches by that route, which will arrive to-night. A dispatch from General Butler, just received, and which left him yesterday, states that a demonstration had been made by his forces on the railroad between Petersburg and Richmond, and had succeeded in destroying a portion of it, so as to break the connection; that there had been some severe fighting, but that he had succeeded. He heard from a rebel deserter that Lee is dangerously wounded, Pickett also, and Jones and Jenkins killed. Nothing has been heard to-day from General Sherman.

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 194. } *Washington, May 9, 1864.*

The following joint resolution of the Senate and House of Representatives is published for the information of all concerned:

PUBLIC RESOLUTION.—No. 26.

JOINT RESOLUTION for the payment of volunteers called out for not less than one hundred days.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five millions of dollars be, and the same is hereby, appropriated out of any monies in the Treasury not

otherwise appropriated, for arming, equipping, clothing, subsisting, transporting, and paying volunteers that may be received by the President for any term not less than one hundred days.

Approved May 6, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 37. } *Washington, May 9, 1864.*

The following order of January 15, 1864, is republished for the information of all concerned:

Ordered, That where regiments, authorized by the War Department to be organized as veteran volunteers, shall contain veterans to the number of not less than 500, the new recruits already enlisted for such regiments shall stand on the same footing as recruits enlisting into old regiments in the field; and the new recruits so enlisted, or that may enlist to fill up such regiments, may be paid the same bounty as recruits to old existing regiments, to wit, \$800.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 9, 1864.

DEPARTMENT COMMANDERS:

The regiments and batteries of the Regular Army will be excluded from the operation of General Orders, No. 91, current series, from this office, which provides for the transfer of enlisted men from the Army to the naval service.

By order of the Secretary of War:

SAMUEL BRECK,
Assistant Adjutant-General.

STATE OF MARYLAND, EXECUTIVE DEPARTMENT,
Annapolis, May 9, 1864.

Col. JAMES B. FRY,
Provost-Marshal-General:

DEAR SIR: The public announcement of the fact that the draft in this State will take place in a few days induces me to address you upon the subject of the proper credit for colored troops mustered into service from this State, and which I feel assured we have not yet received. The rolls of these colored troops, except a few recently received for the purpose of the bounties, have never been returned to this department, so that I have no means of stating officially or with entire accuracy the number of these troops that we have furnished, but from the best information I can obtain I feel satisfied that it will amount to from 7,000 to 8,000 men. Indeed, the number, according to the usual estimate of our citizens, would largely exceed this, but I make all due allowance for those who have been actually lost to the State and their owners but not actually mustered, nor perhaps, technically speaking, a proper credit to our quota. Nevertheless, the fact

universally admitted, that the State at the lowest calculation has lost of her laborers of this class at least double the number of those actually mustered into the service, and lost them, too, in a great measure by reason of the irregularities practiced by the recruiting officer in taking off those obviously unfit for military service, is a circumstance to be taken into account in awarding us the full credit for those who have actually entered the service. In many of the counties of our State so complete has been this drain upon their agricultural labor that large portions of their arable lands are left this year uncultivated. You will therefore, sir, see, I am sure, the justice, so far at least as these rural districts are concerned, of postponing any draft until we have had the opportunity of allowing them all the credits for these colored troops to which they are entitled. By your instructions to Colonel Jeffries furnished a short time since, and a copy of which he sent me, I find that the "credits of all kinds" to 15th of April are set down at 11,566. Now, if I am right in regard to the number of colored recruits from the State (and I am satisfied I am not far wrong), there must be a large number of that class of troops for which we have yet secured no credit. In fact, from the best information I can procure, I have reason to believe that the whole of those recruited by Colonel Birney are still uncredited. I have requested Colonel Jeffries to furnish me with an account of all the colored troops from this State of which he has any knowledge; and if you would be good enough to recur to the statement to which I have above adverted and inform me how many of said total credit of 11,566 are constituted of that kind of troops the result would tend to show how many are still uncredited who properly ought to be. I forbear to dwell at all upon other circumstances in the history of the condition of this State, growing out of the number of her disloyal citizens who have gone South that would justly entitle the loyal ones at home to liberal considerations; but dealing with us ever so strictly, we have certainly the right to expect that those intrusted with the recruiting of all kinds of volunteers should make complete returns of them, and that we should be allowed full credit for them. I feel assured that I may rely on you to see that this simple justice is done us.

Very respectfully, your obedient servant,

A. W. BRADFORD.

DETROIT, May 9, 1864.

Col. J. B. FRY,
Provost-Marshal-General:

The Governor directs me to inform you that he thinks it advisable, as soon as all the veterans are properly credited, to proceed with the draft in the deficient sub-districts of the State.

JNO. ROBERTSON,
Adjutant-General.

WAR DEPARTMENT,
Washington City, May 9, 1864—12 m.

Governor BROUGH,
Columbus:

Advices to-day lead to the belief that General Grant has driven the enemy at all points and is achieving a complete victory. At the latest date, Saturday night, Hancock was pushing forward rapidly to Pennsylvania Court-House. General Lee, in an official report to the rebel

authorities at Richmond of Friday's operations, states that Longstreet was dangerously wounded, also Generals Pegram and Stafford, and that General Jenkins is killed. I regret to have to announce that on our part Brigadier-General Wadsworth has been killed. The number of wounded on both sides large, but a large proportion slight wounds, no artillery having been used on either side. The condition of our troops is represented to be admirable; their cool, determined courage has proved an overmatch for the frenzied fury of the rebels.

EDWIN M. STANTON.

(Same to Governor Morton, Indianapolis; Governor Yates, Springfield; Governor Stone, Davenport; Governor Lewis, Madison, Wis.; Governor Bramlette, Frankfort.)

WAR DEPARTMENT,
Washington City, May 9, 1864.

Governor BROUGH,
Columbus, Ohio:

I have been anxious to conform to your wishes in respect to the draft as far as might be proper, but on consultation with the Provost-Marshal-General and Solicitor Whiting there appear to be insurmountable obstacles to it. The Government can have no safety but in strict conformity with the agreement sanctioned by the President and Congress. Governor Yates is already asking terms and conditions not in conformity with the offer and in the face of the Solicitor's opinion, of which a copy is mailed to you. I cannot assent to your request.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 9, 1864.

THOMAS WEBSTER, Esq., &c.,
Philadelphia:

SIR: I am instructed by the Secretary of War to say that you are hereby authorized to raise eight companies for the Forty-fifth Regiment U. S. Colored Troops, commencing at Company C. The companies raised under the above authority will be mustered into the service of the United States to serve for three years or during the war. The instructions heretofore given will govern in the organization and muster of these companies.

I have the honor, &c.,

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 10, 1864.

His Excellency A. W. BRADFORD,
Governor of Maryland, Annapolis, Md.:

SIR: Your letter of May 9, requesting a postponement of the draft in Maryland on the ground that all the colored men enlisted in your

State have not been credited, has been received. Due credit has been given for all the men, both white and colored, who are in any way known to this department to have been mustered into the U. S. service. Yesterday an additional credit for 2,252 colored men was given upon a certificate of Colonel Jeffries that they were creditable. This was done without waiting, as is customary, for more certain and formal rolls and returns. The total number of colored recruits now credited to the State is 6,404.

I know of no data upon which to base further credits, nor of any reason to postpone the draft. If, however, any further musters are reported they will be credited up to the latest possible moment. I am unable to discover wherein this Bureau has disregarded "the circumstances" which have "justly entitled" the loyal citizens of Maryland to "liberal considerations" as set forth in Your Excellency's letter, or that you have been dealt with "ever so strictly." The facts are these, as they appear to me:

First. The quotas assigned to you since March 3, 1863, have all been based upon an enrollment of the white persons found to be still in the State after the disloyal persons had gone South. The quotas being in proportion to the number of men left, the fact that some men had gone South previous to the enrollment worked no hardship.

Second. After having assigned quotas in proportion to the enrollment of white men as above, the slaves were enrolled and are used for filling the quotas of volunteers and draft, but have not been counted to increase the quota. That is surely not dealing "strictly" with you.

Third. During the years 1861 and 1862 quotas were assigned to your State, as to other States, on the basis of population. Those quotas were not raised, and on a settlement of your accounts for those years you were found to be deficient 9,892 men. Instead of being added to the number now required of you, as has been the case in other States, this large deficit has been entirely omitted from your account. I think, therefore, that Maryland has received "liberal considerations," and that Your Excellency's claim for "simple justice" has been more than satisfied.

As hereinbefore stated, however, I shall take pains to order further credits and deductions up to the latest practicable moment for all men not heretofore credited whose muster may become known to me.

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPT.,
Boston, May 10, 1864.

Hon. A. H. RICE, M. C.,
Washington, D. C.:

MY DEAR SIR: I have just received your favor of the 7th instant, in reply to mine forwarding the letter of the city government and of General Schouler. I do not wish Mr. Stanton to suppose that I, on behalf of this Commonwealth, ask any favor whatsoever. I have never yet done so, and I do not propose ever to do so hereafter, unless under the Providential imposition of uncontrollable necessity. We advised and suggested the not ordering Major Clarke to proceed to

execute the draft. If General Fry will leave him alone, he will know how to obey the law of Congress and still not precipitate a draft and stop gaining men (which a draft is likely to do) at a time when by the voluntary action of the people we are so rapidly supplying the wants of the Army and making up our contingent of soldiers. My returns this morning show me that the average number who passed through the surgeon's hands at Faneuil Hall last week was sixty per day. And outside of that we gained more than an average of fifty per day. On Saturday night we were but 4,076 men short on all our quotas, including that of the last call of 200,000 made the 14th day of March. Besides this are other figures of which neither Major Clarke nor the adjutant-general had returns. And still further, there are the naval enlistments of which we have not the credits. At the recent and constant average rates of progress we are sure of being full and more than full inside of forty days more. Moreover, in the sense of stopping recruitment, I wish to treat the quotas of the State as never full while the war lasts, and I expect the Legislature will authorize me to continue to pay bounties after the present contingents are filled, and in anticipation of future calls. Having a clear opinion, shared by the mayor of Boston (where a large part of our present deficiency is), by the adjutant-general of Massachusetts, and by Major Clarke, the U. S. assistant prevoist-marshal-general, of what good sense and practical judgment require, it seems to me better that the Secretary of War and Prevoist-Marshal-General should quietly allow the men so much needed to be recruited, and suspend orders for draft temporarily, there being as we show sufficient legal reason, if they choose to avail of it, in the fact that the particulars needed for the basis of a correct draft are not entirely complete. In this connection let me call your attention to the point about the naval enlistments for which, under the act of February 24, 1864, we are entitled to the credit. Relying on the law, the local officers have paid their bounties and urged naval enlistments. The Navy was struggling hard for men, and we have helped it to them. The remark of Mr. Fox which you cited is not to the point. It is true, no doubt, that New York enlists naval recruits, and what is more, so do we. And unless we are to be credited with them so much the worse for us. What we want is, that for the men whom we have put into the Navy, under the law and relying on the law, we may have the credit according to the law. The last call was made after the act of February 24, 1864. Our people have gone into the Navy, and our money has been paid out in bounties for naval recruits on the faith of that law by town officers. The State has voted \$100 bounty besides. The men rely on our paying it to them, but we cannot get any credit for them, and have therefore no basis on which to pay this bounty, which is made payable to every man enlisted and credited, &c. Such things bring government into disrepute and prevent people from yielding compliance to it. They must be accidental and unintended, or else some one is intrusted with the direction of these details who is unfit for his functions. Will you be good enough to show this letter to Mr. Eliot and to any other of your members to whom you may think proper to exhibit it, as also the document accompanying. In view of the letter from Major Ruggles to Major Clarke, I am told by General Schouler that Major Clarke cannot credit the naval enlistments on the present draft at all; and yet, New Bedford and many cape towns have been and are putting their sailors into the Navy, as their only means of filling their quotas. Yarmouth, for example, sent up four new names to-day. It has paid

town bounties to them, but thus far for nothing. Now, if the draft was kept off and we were permitted to work on, the practical application of these errors, in their direct effect, would be little noticed. And thus it is that I have desired that we might be let alone, and permitted to do the most useful thing, instead of being compelled to submit to the harsher operation of a draft.

I am, very respectfully, yours,

JOHN A. ANDREW.

NEW YORK, May 10, 1864.

Hon. E. M. STANTON,

Secretary of War:

There are from 8,000 to 10,000 men on a strike in this city. The police have notified me that their entire force is engaged in maintaining order, and the mayor has requested me to suspend the draft for a few days. I have taken the responsibility of doing so in the city districts. It is going on in the country districts. The deficiency in this city is only 1,000. I send copy of the mayor's communication by mail.

JNO. A. DIX,
Major-General.

SENATE CHAMBER, May 10, 1864.

General J. B. FRY,

Provost-Marshal-General:

DEAR SIR: I enclose a dispatch which speaks for itself. Others as well as Mr. Weed have fears.

Yours, truly,

E. D. MORGAN.

(Inclosure.)

ASTOR HOUSE, N. Y., May 10, [1864].

E. D. MORGAN,

Washington:

If possible to do so, stop the draft to-morrow.

T. WEED.

DES MOINES, IOWA, May 11, 1864.

Hon. E. M. STANTON,

Secretary of War:

My 10,000 shall be raised. Several counties and townships are behind on all former calls because they are copperheads. This embarrasses me. I am anxious and determined they shall come to me. I earnestly ask for and must have a draft, so that these unfriendly sub-districts may be compelled to furnish an amount of 100-days' men in proportion to their delinquencies under three-year calls. This is but justice, and the real sentiment of the State demands it. Assure me that I may have it and I will succeed. Instruct provost-marshal accordingly, and charge responsibility to me.

W. M. STONE.

DES MOINES, IOWA, *May 11, 1864.*

HON. E. M. STANTON:

The thanks of a grateful people are due to General Grant and his heroic army for their gallant conduct and splendid achievements, and to the War Department for the able and cordial support he has received at all times in his plans and movements against the enemy.

W. M. STONE.

DES MOINES, *May 11, 1864.*

COL. J. B. FRY:

Our State being ahead on three-year calls, I would not advise draft for them, but I desire and must have draft in delinquent copperhead sub-districts for 100-days' men somewhat in proportion to their delinquencies under former calls.

W. M. STONE.

WAR DEPARTMENT,
*Washington City, May 11, 1864.*GOVERNOR LEWIS,
Madison, Wis.:

Officers whose resignations have heretofore been approved and accepted by this Department may be commissioned in the 100-days' service, but no officer will be allowed now to resign and be re-commissioned. We are in urgent need of your troops to strike a finishing blow.

EDWIN M. STANTON,
*Secretary of War.*GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 195. } *May 12, 1864.*

The subjoined standard supply table of horse medicines, with regulations for the government of the Veterinary Department of the Army, prepared by a board of officers convened by Special Orders, No. 137, current series, from this office, have been adopted and are published for the information and guidance of all concerned.

I. Standard supply table:

Articles.	Quantities for three months.							
	For field service.				For hospital service.			
	100 horses.	200 horses.	500 horses.	1,000 horses.	100 horses.	200 horses.	500 horses.	1,000 horses.
Aloes.....	1	2	3	4	2	4	6	8
Alcohol.....	1	2	3	4	1	2	3	4
Asafetida.....	1	2	3	4	1	2	3	4
Alum.....	1	2	3	4	2	4	6	8
Blistor liquid.....	1	1	1	1	1	2	4	6
Bluestone.....	1	2	3	4	1	2	3	4
Borax.....	1	2	3	4	2	3	4	5
Calomel.....	1	2	3	4	1	2	3	4
Castile soap.....	10	15	20	30	20	30	40	50
Ground flaxseed.....	8	10	15	20	10	20	30	40

Articles.	Quantities for three months.							
	For field service.				For hospital service.			
	100 horses.	200 horses.	500 horses.	1,000 horses.	200 horses.	500 horses.	1,000 horses.	
Hartshorn.....	gallon.	1	1	1	1	1	1	1
Lunar caustic.....	ounces.	1	1	1	1	1	1	1
Leadum.....	quarts.	1	1	1	1	1	1	1
Simple cerate.....	pounds.	1	1	1	1	1	1	1
Morriant ointment.....	do.	1	1	1	1	1	1	1
Morriant ointment.....	bottles.	1	1	1	1	1	1	1
Olive oil.....	gallons.	1	1	1	1	1	1	1
Oil, linseed.....	do.	1	1	1	1	1	1	1
Oil, turpentine.....	do.	1	1	1	1	1	1	1
Powell's ointment.....	bottles.	1	1	1	1	1	1	1
Resin.....	pounds.	1	1	1	1	1	1	1
Salt.....	do.	1	1	1	1	1	1	1
Sulphur.....	do.	1	1	1	1	1	1	1
Salt-peter.....	do.	1	1	1	1	1	1	1
Sweet apple oil.....	quarts.	1	1	1	1	1	1	1
Sugar lead.....	pounds.	1	1	1	1	1	1	1
Tar.....	gallons.	1	1	1	1	1	1	1
Tartar emetic.....	pounds.	1	1	1	1	1	1	1
UNDESIGNS.								
Adhesive plaster.....	yards.	1	1	1	1	1	1	1
Alum (quarzo).....	do.	1	1	1	1	1	1	1
Red Hamel (quarzo).....	do.	1	1	1	1	1	1	1
Spongy.....	pounds.	1	1	1	1	1	1	1
Silk for ligature.....	yards.	1	1	1	1	1	1	1
INSTRUMENTS.								
Alsega knife (2-blade).....	number.	1	1	1	1	1	1	1
Bull forceps.....	do.	1	1	1	1	1	1	1
Cuckersaws.....	do.	1	1	1	1	1	1	1
Funnel.....	do.	1	1	1	1	1	1	1
Graduate glasses.....	do.	1	1	1	1	1	1	1
Mortar and pestle (iron).....	do.	1	1	1	1	1	1	1
Needles.....	dozen.	1	1	1	1	1	1	1
Probes.....	number.	1	1	1	1	1	1	1
Thawing needles.....	do.	1	1	1	1	1	1	1
Scalps and weights.....	do.	1	1	1	1	1	1	1
Spring (syringes).....	do.	1	1	1	1	1	1	1
Spring lance.....	do.	1	1	1	1	1	1	1
Straight scalps.....	do.	1	1	1	1	1	1	1
Spalatum.....	do.	1	1	1	1	1	1	1
Tromm.....	do.	1	1	1	1	1	1	1
Tromm.....	do.	1	1	1	1	1	1	1

II. Regulations for the Veterinary Department:

1. The standard of horse medicines for the army in the field and in hospitals is the supply table.

This table will not be deviated from except in extreme emergencies, and then only for hospital use, when the reasons must be clearly and satisfactorily stated.

2. Requisitions will be made quarterly and in duplicate, conforming strictly to the standard supply table.

3. Quartermasters will hold veterinary surgeons strictly responsible for the instruments issued to them, and in case of loss through carelessness or damage from neglect, the cost price of the instruments so lost or damaged will be charged to them.

4. Quartermasters responsible for medicines and dressings will take care that these articles are used for their legitimate purpose, and will hold the veterinary surgeons strictly accountable for their loss or damage through neglect, &c.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 196. } *Washington, May 12, 1864.*

General Orders, No. 76, War Department, Adjutant-General's Office, February 26, 1864, commuting the capital sentences of deserters to imprisonment during the war at the Dry Tortugas, Fla., are so amended as to direct the discharge from the service of the United States, with forfeiture of pay and allowances due, of all persons to whose cases the provisions of the general orders apply.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 198. } *Washington, May 12, 1864.*

DUTIES OF ASSISTANT SURGEON-GENERAL.

To facilitate the prompt transmission of medical supplies to points developed by emergencies, secure the proper distribution and presence of medical officers and their assistants where their services are most required, and to provide comfortable, abundant, and available hospital accommodation for the sick and wounded of the armies of the West and Southwest, the office of the assistant surgeon-general is established at Louisville, Ky.

To fully accomplish these important objects, Asst. Surg. Gen. R. C. Wood will have immediate control, under the general direction of the Surgeon-General, of the medical affairs in the Military Department of the Northwest, the Northern Department, the Departments of Kansas, Missouri, and those composing the Division of the Mississippi, except that officers assigned to duty with any army or department will not be removed therefrom, unless by order of the War Department.

The orders, circulars, and instructions heretofore published by the assistant surgeon-general, and such as may in future be required, will be obeyed and respected by all under his jurisdiction.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 12, 1864.

Governor W. M. STONE,
Des Moines, Iowa:

Your dispatch to Secretary and one to me in relation to draft for 100-days' men have been received and considered.

We cannot draft for 100-days' men, but will immediately order the draft in all sub-districts deficient on the quotas heretofore assigned them, for three-years' men, unless you make known some objections to this course. Will not this answer your purpose?

JAMES B. FRY,
Provost-Marshal-General.

[MAY 12, 13, 1864.—For correspondence between Stanton and Brough, relating to acceptance and disposition of Ohio 100-days' regiments, see Series I, Vol. XXXVII, Part I, pp. 443, 444, 450, 451.]

DES MOINES, IOWA, *May 13, 1864.*

General J. B. Fry,
Washington:

Until other States furnish their quotas I could not favor draft here for three-years' men, unless we fail to promptly furnish the 10,000 100-days' men; then I should. I think, with your dispatch, I can succeed.

W. M. STONE.

WAR DEPARTMENT,
Washington, May 13, 1864—10 a. m.

Governor Brough,
Columbus:

Official dispatches have been received from the Army of the Potomac. A general attack was made by General Grant at 4.30 a. m. yesterday, followed by the most brilliant results. At 8 o'clock Hancock had taken 4,000 prisoners, including Maj. Gen. Edward Johnson and several brigadiers, and between 30 and 40 cannon. Now is the time to put in your men.

EDWIN M. STANTON,
Secretary of War.

(Same to Governor Morton, Indianapolis; Governor Yates, Springfield; Governor Bramlette, Frankfort; Governor Stone, Davenport; Governor Lewis, Madison.)

[MAY 13, 1864.—For correspondence between Stanton and Parker and Stanton and Bradford, relating to organization of troops for 100-days' service, see Series I, Vol. XXXVII, Part I, pp. 451, 452.]

SPRINGFIELD, ILL., *May 14, 1864.*

Hon. E. M. STANTON:

As we have no organized militia in this State, our quota has to be recruited as heretofore. During twelve of the twenty days we were without transportation and supplies; therefore I have the honor respectfully to request that the time for raising our quota be extended to the first of next month. I have had much opposition from the copperhead press. Still, the recruiting is going bravely on, with a sufficient number of companies to fill the quota, lacking but few men. I hope in a few days to be able to turn out half the regiments with their numbers full.

R. YATES,
Governor.

LOUISVILLE, KY., *May 14, 1864.*

Brig. Gen. J. B. Fry,
Provost-Marshal-General:

The presence of guerrillas and a sympathizing population and absence of mounted force create great difficulty in First District. In four counties negroes cannot be enrolled, and their enrollment

in three other counties is incomplete. After drawing it is impossible to serve notices within ten days. It is also certain that a large proportion of the whites enrolled have gone off with the enemy by force or consent. The seven counties west of Tennessee River are not in General Burbridge's command, and these are the worst, but Captain Hall, having the order to draft immediately, will begin on 18th unless directed otherwise. Under these circumstances would it not be better to defer the drawing in First District until we can control it by our forces? Please answer.

W. H. SIDELL,
Major and Acting Assistant Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 14, 1864.

Maj. W. H. SIDELL,
Acty. Asst. Provost-Marshal-General, Louisville, Ky.:

Your dispatch about First District received. Consult with General Burbridge, and act as you and he think best. Report action here.

JAS. B. FRY,
Provost-Marshal-General.

[MAY 14, 1864.—For correspondence between Stanton and Parker, relating to organization of a militia force in New Jersey for 100 days, see Series I, Vol. XXXVII, Part I, p. 400.]

*Final report of the American Freedmen's Inquiry Commission to
the Secretary of War.*

OFFICE OF THE AMERICAN FREEDMEN'S
INQUIRY COMMISSION,
New York City, May 15, 1864.

To the Hon. EDWIN M. STANTON,
Secretary of War:

Praying reference to our preliminary report heretofore made,* we have now the honor to submit to you the final report of our Commission.

Observations on portions of the country which had not been visited at the date of our former report, and on the free colored population of Canada West, are contained in supplemental reports A and B.† The present report embraces considerations of a more general character—some historical, some legal, some prospective—all connecting themselves with the well-being and destiny of the race now in a state of transition among us from slavery to freedom.

The terms of your order which created the Commission demanding

* See Vol. III, this series, p. 480.

† In view of the material extracts therefrom, embodied herein, the supplemental reports relating to "The Self-Freedmen of Canada West" (A), and "The Emancipated Slave face to face with his Old Master, Valley of the Lower Mississippi" (B), are omitted.

an inquiry as to the measures which may best contribute to the protection and improvement of the recently emancipated freedmen of the United States, and to their self-defense and self-support, involve not alone the question whether a system of provisional or permanent guardianship be necessary or proper to effect these objects, and (in case that should appear to be so) the further question what the details of such a system should be, but also, incidentally, the prior inquiry whether the protecting freedom of these people is reliably founded, and whether it can endure unless emancipation become universal throughout the Union, extending to the border as well as to the rebel States. There is involved yet another question, inseparably connected with the future destiny of the Nation—the great question whether, in the course of human events, with or without the aid of precautionary measures, it be likely that the two races hitherto the dominant and subordinate shall be able, when both shall be free, persistently to endure side by side, and to live together in one common country harmoniously and with mutual advantage. And, in connection with the preceding subjects of inquiry, lying, indeed, at the base of the whole matter, it has seemed to the Commission proper briefly to review the history, in this Western Hemisphere, of these two races so far as they have been connected with each other, the character and effect of that connection, and the results that have sprung and are yet to spring from it. Guided by this view of our duties, we offer on the general subject some prefatory observations.

CHAPTER I.—*Slavery.*

The greatest social and political problems of the world connect themselves more or less intimately with the subject of labor. A people who regard work as degradation, though arts and letters flourish among them, are but emerging from barbarism. It has been sometimes said, with much truth, that the grade of civilization in a nation may be measured by the position which it accords to woman. A stricter test is the degree of estimation in which labor is held there.

Our race in its gradual advance from ignorance and evil to comparative knowledge and good, has not yet, even in countries the most favored, outlived an error fatal to true progress. Sometimes avowedly, more often practically, a certain stigma still attaches to human labor—to that labor from which, in one shape or other, the world receives everything of good, of useful, of beautiful, that charms the senses or ministers to the wants of man; to which we owe life, and everything that makes life desirable.

According to the structure of society in each country this error is modified in form. In certain nations of continental Europe the great line of social demarcation is drawn between the titled classes, whether noble by birth or ennobled by royal creation, constituting the privileged and all other persons, including merchants, though wealthy, and lawyers, though eminent, and authors, though popular, constituting the unprivileged. More liberal England begins to admit within the pale the distinguished and successful among the professional classes, and from the mercantile and literary ranks we ourselves, professing to honor industry and talking occasionally of the nobility of labor, have opened somewhat wider, but only throughout a portion of our Republic, the door which admits within the precincts of respectability.

Only throughout a portion of our Republic—in fifteen of these United States—the opinions, the feelings, the practice of the inhabitants, as regards laborers and labor itself, have been more perverted, have been less civilized than in the most despotic countries of Europe. In these States the class of working husbandmen has been degraded, both as regards civil rights and social position, below the pariahs of India. This cannot happen in any nation without producing results fatal alike to its prosperity and to the moral worth and essential dignity of its population. The only doubt as to these results is, whether their influence has been more pernicious on the enslavers or on the enslaved.

The introduction into our hemisphere of this terrible element of social demoralization was almost coeval with its discovery by Europeans. It was in October of the year 1492 that Columbus first landed; and it was just eight years afterward, in the month of October, 1500, that Francis de Bobadilla was guilty of two outrages: One, the sending home in chains of the great discoverer; the other, the reducing to bondage of the gentle islanders whose fair land he discovered. Bobadilla "granted liberal donations of Indians to all who applied for them."^a

The first year of the sixteenth century saw introduced into America that baneful system, abhorrent to Christian civilization, which was to spread and to gather numbers and strength and influence, until, after more than three centuries and a half of evil growth, it was to bring a million of combatants into the field, to sacrifice, on the field of battle, hundreds of thousands of lives and thousands of millions of treasure.

There is scarcely a page in history so replete with horrors as that which records the inception of slavery in this hemisphere. That terrible abuse caused, in an incredibly short period, the extinction of a race—a race whom all the historians of that day conceive in representing as the most kind and inoffensive and hospitable of mankind. Gold must be had. Columbus had been disgraced because he had failed to send home a sufficiency of it. His successors resolved to escape that imputation. The mines must be worked, and the forced labor of the feeble natives was employed to work them.

After a time royal sanction was obtained for the act. Isabella, just, if severe, who had issued orders that the Indians should be free from servitude and from molestation,^b died in 1504; and in 1511 Ferdinand issued a decree of his privy council declaring that "after mature consideration of the Apostolic Bull and other titles by which the crown of Castile claimed the right to its possessions in the New World, the servitude of the Indians was warranted both by the laws of God and man."^c

Thus was legalized that system of repartimientos, under which there had been previously assigned to each Spaniard, by an order on some caizique, a certain number of natives, who were to be instructed in the Catholic faith. What the character of their masters and teachers was may be gathered from the fact that Columbus himself had recommended the transportation to Hispaniola of malefactors convicted of the less

^aRobertson's History of America, London, 1703, Vol. 1, Book 2, p. 222. Herrera, General History of the Vast Continent and Islands of America (Stevens' translation), London, 1725, Vol. 1, p. 244.

^bOvando "was particularly charged by the queen that all the Indians of Hispaniola should be free from servitude, and that none should molest them." (Herrera, Vol. 1, p. 247.)

^cRobertson's History of America, Vol. 1, p. 307. This decree was passed against the protest of the Dominicans, the abolitionists of those days.

atrocious capital crimes. "The prisons of Spain," says Robertson, "were drained to collect members for the intended colony."^a

We are not left to imagine the fate of the helpless wretches confided to such hands. Irving tells us:

"They (the Indians) were separated the distance of several days' journey from their wives and children, and doomed to intolerable labor of all kinds, extorted by the cruel infliction of the lash. * * * "When the Spaniards who superintended the mines were at their repasts," says Las Casas, "the famished Indians scrambled like dogs for any bone thrown to them. * * * If they fled from this incessant toil and barbarous coercion and took refuge in the mountains, they were hunted like wild beasts, scourged in the most inhuman manner, and laden with chains to prevent a second escape."^b

Las Casas' terrible history is full of horrors of which he himself was eyewitness. "I have found," says he, "many dead in the road, others gasping under the trees, and others, again, in the pangs of death, faintly crying, 'Hunger! hunger!'"^c

"So intolerable," says Washington Irving, "were the toils and suffering inflicted upon this weak and unoffending race that they sank under them, dissolving, as it were, from the face of the earth."^d

There is no exaggeration in this statement, incredible if it seem. Robertson confirms it, giving some general statistics on the subject. He tells us:

"The original inhabitants, on whose labor the Spaniards in Hispaniola depended for their prosperity and even their existence, wasted so fast that the extinction of the whole race seemed to be inevitable. When Columbus discovered Hispaniola the number of its inhabitants was computed to be at least 1,000,000. They were reduced to 60,000 in fifteen years."^e

This was in 1507. Scarcely half a generation had elapsed since Europeans had found these people weak and ignorant indeed, but simple, cheerful, and happy; and in that brief period so atrocious had been the cruelty of their treatment that 94 out of every 100 of these victims sank and perished under it.

But the picture in all its blackness is not yet filled up. The deaths had increased with such frightful rapidity that the common operations of life were arrested thereby. The dead laborers had to be replaced by fresh victims. And then it was that, as the culmination of enormities that have left an indelible stain on the Spanish name, an expedient was resorted to, in the conception of which, to inhuman barbarity, treachery and blasphemy were superadded.

This infamous expedition is ascribed to Ovando. At all events, under his governorship, in 1508, the king (Ferdinand) "was advised," says Herrera, "that the Lucayo Islands,^f being full of people, it would be convenient to carry them over to Hispaniola that they might be instructed in the Christian religion and civilized." Ferdinand, perhaps deceived by this artifice, more probably willing to connive at an act of violence which policy represented as necessary, gave his assent

^a Robertson, Vol. 1, pp. 192, 193; Herrera, Dec. 1, Lib. 8, C. 2.

^b Irving's Columbus, Vol. 2, p. 427.

^c Las Casas' Hist. Ind., Lib. 2, Cap. 14; MS. quoted by Irving.

^d Irving's Columbus, Vol. 2, p. 428.

^e Robertson's America, Vol. 1, p. 262. It is from Herrera, the most correct and intelligent of the Spanish historians of that period, that Robertson's calculation is taken. There seems no reason to discredit it, incredible if it seem. Other historians estimate the original inhabitants much higher. Benzoni puts the number at 2,000,000.

^f Now the Bahama Islands.

1. Herrera informs us in what manner it was carried

who went in the first ships told those people that they came where the souls of their parents, kindred, and friends lived at they would go see them they should be carried over in those certain that the Indian nations believed that the soul is immortal the body was dead it went to certain places of delight, where thing that might give it satisfaction. ^a

the people," says Robertson, "listened with wonder and fond of visiting their relatives and friends in that followed the Spaniards with eagerness. By this artifice are decoyed into Hispaniola to share in the sufferings a lot of the inhabitants of that island, and to mingle and tears with that wretched race of men." ^b

edient the number of Indians in Hispaniola was raised at the work of human destruction went on. Nine years in 1517, Roderigo Albuquerque, being appointed principal distribute the repartimientos, caused an enumeration to be made. The number was found to be reduced to youths had perished in nine years! The survivors were in different lots. The secrets of their prison house an ever reveal!

the first advent in this hemisphere of that system under labor is stigmatized as a degradation. The mind can the imagination shrinks from conceiving—the atrocities which such a system must have given birth ere a race have perished in a single generation before it; a terrible the immeasurable sufferings that may result from a time. Well has De Tocqueville said:

alamity which penetrated furtively into the world, and which reely distinguishable amidst the ordinary abuses of power. It an individual whose name history has not preserved; it was re accused germ upon a portion of the soil; but it afterward grow without effort, and spread naturally with the society to ed. This calamity is slavery. Christianity suppressed slavery, but f the sixteenth century re-established it, as an exception, indeed. stem, and restricted to one of the races of mankind. ^c

er race was not subjected to it; that the Indians of d of the adjacent islands escaped perpetual servitude, the forbearance of their oppressors, but to the tender with—the great liberator.

i, to which is popularly ascribed the first substitution of agro for the native of Hispaniola—the first introduction, our hemisphere of that race who were to be thenceburies, branded with the mark of Cain—may teach us, in her aborrations sometimes, with the best intentions, broad the foundations of misery and of crime.

de las Casas, a Dominican monk, had accompanied his second voyage. A man of eminent benevolence and lities, the sufferings of the down-trodden Indians produced a profound impression. After spending many years in fruitless efforts to ameliorate the condition of the

1. 1, p. 325.

History of America, Vol. 1, p. 268.

11 America, by De Tocqueville (Cambridge edition, 1893), Vol. 1,

natives, he returned to Spain previously to the death of Ferdinand, was favorably received by that monarch and by his minister, the Cardinal Ximenes, and succeeded in procuring the appointment of three superintendents of the colonies, to whom he himself was joined, with the well-earned title of "Protector of the Indians." The mission, however, was of small avail. The Spaniards of Hispaniola opposed every obstacle, representing that without compulsion the Indians would not labor, and that without their labor the colony could not subsist. Finding no countenance in the island, Las Casas again returned to Spain, where he arrived shortly before the death of Ximenes, and found Charles V successor of Ferdinand.

Then it was, after a vain endeavor to procure the freedom of the aborigines, that Las Casas, thinking that a harder race than they would suffer less as slaves,^a recommended to Ximenes the policy of supplying the labor market of Hispaniola with negroes from the Portuguese settlements on the African coast.

This, though affirmed by Robertson,^b following Herrera, is denied by several modern authors of repute.^c But the simple fact that Las Casas did make such a proposal, though not until after a certain number of African slaves had been imported into the New World, is beyond denial, seeing that it has been stated, and nobly atoned for, so far as frank acknowledgment of error can atone, by Las Casas himself, writing his own history shortly before his death, in that retirement to which, after years of fruitless exertion in behalf of the suffering natives, he betook himself. These, liberally translated, are his words:

This advice, that license be given to bring negro slaves to these lands, the ecclesiastic Casas first gave, not taking note of the injustice with which the Portuguese seize them and make them slaves; which advice, after he had reflected on the matter, he would not have given for all he possessed in the world, for he always held that they were made slaves unjustly and tyrannically, seeing that the same rule applies in their case as in that of the Indians.^d

Ximenes, whether from motives of policy or humanity, rejected Las Casas' proposal, dying soon after.

Las Casas renewed the proposal, after Ximenes' death, to the ministers of Charles, by whom it was more favorably received. And the officers of the "India House of Seville" having recommended 4,000 as

^a Herrera (Dec. 1, Lib. 9, C. 5) affirms that one negro was considered equal, as laborer, to four Indians.

^b Robertson's History of America, Vol. 1, p. 321. The censure conveyed in the words of this author, when he says of Las Casas, "In the warmth of his zeal to save the aborigines from the yoke, he pronounced it to be lawful and expedient to impose one still heavier on the Africans," implies, when given thus without explanation, too harsh a judgment of a good man.

^c Dollinger (Hist. Eccl., Vol. 8, Sec. 160, p. 397) makes an argument, with evidence adduced, in proof that the imputation is unjust. Cochin discredits the charge, stating that in the debates which Las Casas was forced to sustain against Quevedo, bishop of Darion, and also against the confessor and historian of Charles, Sepulveda, "this opinion is found neither on his lips nor on those of his diversaries." (L'Abolition de l'Esclavage, Vol. 1, p. 283.) The explanation of this may be that by that time he may have repented the advice which a few years before he had given.

^d Este aviso de que se dió licencia para traer esclavos negros á estas tierras, dió primero el clérigo Casas, no advirtiéndole la injusticia con que los Portugueses los toman y hacen esclavos; el qual despues de que cayó en ello, no lo diera por quanto habia en el mundo. Por que siempre los tuvo por injusta y tiranicamente hechos esclavos, por que la misma razon es de ellos que de los Indias. (Las Casas, Hist. de las Indias, Lib. 3, Tom. 2, Cap. 101.) Las Casas here speaks of himself in the third person.

the proper number to be sent,^a the young King acted upon the recommendation. In accordance with the monopoly-favoring policy of that age, Charles granted to one of his Flemish favorites a patent for the importation into the colonies of 4,000 negro slaves. That patent was sold to a company of Genoese merchants, who, about the year 1517, carried it into effect.

This, as regards America, was the germ of a traffic, the foulest blot on the history of Christendom; a traffic carried on, in defiance of law, human and divine, to exempt from labor one race of men at expense of brutal degradation to another; a traffic that has brought upon the American hemisphere a moral curse worse than war, pestilence, or famine, and which, as to every nation that persists in it, leads—ever must lead—sooner or later, by one way or another, to national ruin. For well has Augustin Cochin said, "Over the entire surface of the globe the races who compel others to labor without laboring themselves fall to decay."^b

The statistical details are lacking which might enable us to form a strictly accurate numerical estimate of the victims to this detestable trade, the operations of which extended through three centuries and a half; diminishing, however, during the last quarter of a century, and soon, we may confidently hope, to cease forever. An approximating estimate of the number of negroes transported to America is all that can now be obtained.

The *asientos*, *licenses*, or contracts of the Spanish Government for the supply of its American colonies with slaves, commencing in 1517, were occasionally granted through the sixteenth century and multiplied in the seventeenth and eighteenth. Some were to individuals, some to companies, some to governments.

Nothing more strongly marks the character of these treaties for the delivery of human beings than the terms employed in wording them. An *asiento* was granted in 1696 to the Portuguese Guinea Company, by which that company bound itself to deliver to Spain in her trans-Atlantic colonies 10,000 tons of negroes. ^c England, to designate the human chattels she agreed to supply, employed a term such as vendors of broadcloth or calico might use. By treaty with Spain, bearing date March 26, 1713, his Britannic Majesty undertook to introduce into Spanish America 114,000 pieces of India, of both sexes and all ages. ^d These various treaties, concluded in the name of the Most Holy Trinity, ^e contained not one article, not a single provision of any

^a The suggestion of Luis Cusás was approved by the chancellor, and by Adrian, the colleague of the late cardinal (Ximenes), and, indeed, it is probable that there was hardly a man of that time who would have seen further than the excellent clericus did. Luis Cusás was asked what number of negroes would suffice. He replied that he did not know; upon which a letter was sent to the officers of the India House of Seville, to ascertain the fit number, in their opinion. They said that 4,000 would, at present, suffice; being 1,000 for each of the islands—Hispaniola, San Juan, Cuba, and Jamaica. (Conquerors of the New World, and Their Bondsmen; London, 1852.)

^b Sur la surface entière du globe, les races qui font travailler, sans travailler elles-mêmes, tombent en décadence. (L'Abolition de l'Esclavage, par A. Cochin, Paris, 1861, Tom. 2, p. 100.)

^c "Diez mil toneladas de negros" is the expression in the original. The text can be found in the Cantillo Collection, p. 32.

^d "Piezas de Indias" are the words in the Spanish text. (L'Abolition de l'Esclavage, par Cochin, Tom. 2, p. 286.) This treaty gave England a monopoly of the slave trade to Spanish colonies for thirty years, namely, from 1713 to 1734.

^e El nombre de la santísima Trinidad.

kind for the humane treatment, or for the protection from outrage of the human merchandise therein stipulated to be delivered.^a

The extent of these treaties and their lucrative character to the Spanish Crown may be gathered from the following:

A single Government, Spain, which assumes the name of Catholic, concluded in less than two centuries more than ten treaties to authorize, protect, and profit by the transportation of more than half a million of human beings. It levied on each of these human loads, reckoning them by the piece or by the ton, a tax which amounted in the aggregate to upwards of 50,000,000 francs (say \$10,000,000).

The above treaties were with England, France, and Portugal, the grants to individuals and to companies not being included.

In the middle of the eighteenth century the English slave-trade, which, up to that time, had been more or less of a monopoly, was thrown open. Statute 23, George II (that is, in 1750), c. 31, after reciting that the "African slave-trade is very advantageous to Great Britain," enacts that "it shall be lawful for all His Majesty's subjects to trade and traffic to and from any port or place in Africa, between the port of Salée, in South Barbary, and the Cape of Good Hope."

Great Britain, the first to abolish this infamous traffic, was, previous to its abolition, the most extensively engaged in it. Her connection with it, the manner and extent to which it was conducted, together with many statistical details, imperfect indeed, but instructive as they go, are set forth in a ponderous folio volume, published by official authority in the year 1789, being a "Report of the Lords of the Committee of Council, appointed for the consideration of all matters relating to trade and foreign plantations, submitting to His Majesty's consideration the evidence and information they have collected in consequence of His Majesty's order in council, dated February 11, 1788, concerning the present state of the trade to Africa, and particularly the trade in slaves; and concerning the effects and consequences of this trade, as well in Africa and the West Indies as to the general commerce of this kingdom."

There can be no safer document than this from which to draw information such as it contains. The body composing this committee of council gave the slave holders the most ample opportunity to state their case, both by testimony and argument. Three-fourths at least of the witnesses examined are slave dealers, or captains of slaves. They admit also, it is true, testimony and documentary evidence (especially as to deaths of sailors on slave ships) offered by the colonized Thomas Clarkson; but they scrupulously abstained from all opinions in regard to the slave-trade and from all recommendations or suggestions touching its abolition. In this volume we had two estimates as to the number of negroes then annually carried to the American colonies; the first puts it at 30,000 annually; the second, containing a detailed estimate of slaves annually sold at sixteen different points on the African coast, sums up 71,000, *c.* Of these, one-half are said to be procured on the Gold Coast, at Bonny and New Calabar, and at Luango, Melimba, and Palenda; about 38,000 set

^a After enumerating the various resolutions made by Spain, Cuchin says: "Daus touc ces traités, pas une disposition, pas une syllabe destinée à défendre ces malheureux contre les abus et les souffrances." (Work cited, Vol. 2, p. 288.)

^b Work cited, Vol. 2, p. 298.

^c The first is contained in the testimony of Mr. Penny (Report, Part I, Sheet D); the second in that of Mr. Norris (Report, Part I, Sheet K). The table, in detail, is given, Part IV, No. 11. The volume not being passed (except as to a single brief document contained in it, to wit, Minutes of Evidence before a Committee of the Whole House), more exact references cannot be given.

down as purchased by the British, 20,000 by the French, 10,000 by the Portuguese, and the rest by the Danes and Dutch.

It would appear from a statistical table given in another part of the same volume that these estimates fall short of the truth. This table gives the total number of vessels sailing annually from Liverpool, from the year 1751 to the year 1787, distinguishing the slavers and giving their tonnage, from which it appears that about one-tenth of all the vessels that sailed from that port during the above thirty-six years were engaged in the slave-trade, and that their tonnage ran up from a little over 5,000 tons in 1751 to about 15,000 in 1786 and 1787.^a But, as we shall show hereafter, the number of slaves carried averaged over two to a ton; consequently British ships from the port of Liverpool alone carried upward of 30,000 annually.

Another table^b shows that the tonnage of African slavers from all the ports of Great Britain was, in 1787, 22,263 tons. Consequently the annual number of slaves transported to America, at that time, in British bottoms, was upward of 45,000, instead of 38,000, as estimated. In this proportion the total estimate, including vessels of all countries, would be run up to nearly 90,000 slaves a year. The figures seem to indicate that even this is below the actual number.

The calculations produced before the French Committee of Inquiry of 1848 place the number of slaves exported from 1788 to 1840 at from 100,000 to 140,000 a year, and from 1840 to 1848 at from 50,000 to 80,000.^c

The rate after 1848 continued to diminish. Nevertheless, in 1860 it was still nearly 30,000 a year.^d

These figures enable us to calculate with approximate accuracy the extent of the slave-trade from 1788 to 1860; that is to say, for the seventy-two last years of its course, thus:

Annual deportation of slaves from the year 1788 to the year 1840—say, fifty-two years, at an average of 120,000 a year	6,240,000
Annual deportation of slaves from 1840 to 1848—say, eight years, at an average of 65,000 a year	520,000
Annual deportation of slaves from 1848 to 1860—say, twelve years, at an average of 30,000 a year	360,000
Total in seventy-two years	7,120,000

What annual rate we ought to assume as a fair average for the two centuries preceding 1788, during which, as Cochin reminds us, "all Europe abandoned itself openly to the negro slave-trade,"^e it is somewhat difficult to determine. In the report by the Lords of the Committee of Council, already referred to, is a table *f* showing the annual

^a Lords of Council Report, Minutes of Evidence before Committee of the Whole House, p. 49.

^b Lords of Council Report, Part IV, No. 1.

^c See Cochin, Vol. 2, p. 810.

^d Lord Palmerston, from his place in the House of Lords, July 26, 1844, said: "According to the report of Messrs. Vondervelt and Buxton, from 120,000 to 150,000 slaves are landed annually in America." This calculation applied to the early years of the present century.

^e When we remember that 140,000 were yearly carried away from Africa, while this year the number has not reached 30,000, we should neither deny the progress nor abandon the hope of a complete suppression of this traffic. (Speech of Lord John Russell in Parliament, June 8, 1860.)

^f At least 80,000 slaves are annually imported into Cuba. (Speech of Mr. Cave in Parliament, June 8, 1860.)

^g Au dix-septième et au dix-huitième siècle l'Europe entière se livre ouvertement à la traite des noirs. (Cochin, L'Abolition de l'Esclavage, Tom. 2, p. 281.)

^h Lords of Council Report, Jamaica. Appendix, Part III, Sheet F.

importation of slaves throughout seventy-four years of that period (namely, from 1702 to 1775, both inclusive) into a single English colony, to wit, the island of Jamaica. The total is 497,786, being an average of 6,726 a year. Nor is there a regular increase, for in the decade from 1720 to 1730 there were as many imported as in the last ten years of the term, the average for each of the years in either decade being about 7,700.

But we shall hereafter furnish proof that to the number of slaves delivered in the colonies we must add at least 25 per cent. to obtain the number shipped on the African coast. This would bring up the annual average exported from Africa for Jamaica to 8,407.

If we assume the total deportation of slaves from Africa in the year 1788 to have been 100,000, which is the French committee's lowest estimate for any year from 1788 to 1840, and if we suppose that there were annually exported during each year of the two centuries preceding 1788 two-fifths only of that number, say 40,000, we shall be assuming the annual total throughout these two centuries at less than five times the number that we know to have been annually exported during seventy-four years of that period to supply the single island of Jamaica. So far as, at this distance of time and with the scanty materials before us, one can judge, the estimate is a moderate one.^a

Previous to the year 1588—that is to say, for eighty years after the beginning of the negro slave-trade in 1518—the true average is still more uncertain. The Spanish *asientos* of that period were usually for the delivery of from 3,000 to 5,000 negroes annually. Let us assume the entire slave-trade by all nations during that period at 5,000 negroes only for each year.

Adopting the data above suggested we obtain the following general results:

Total deportation of negroes by the slave-trade from the year 1518 to the year 1850.

From 1518 to 1588, 80 years [<i>sic</i>], at an average of 5,000 a year.....	400,000
From 1588 to 1788, 200 years, at an average of 40,000 a year.....	8,000,000
From 1788 to 1850, 73 years, as already estimated.....	7,120,000
Total in 343 years	15,520,000

Upward of fifteen millions and a half of human beings forcibly torn from their native country, and doomed to perpetual slavery—themselves and their offspring—in a foreign land.^b

^a By a table, already referred to (Part IV, No. 1), in the report of the Lords of Council, it appears that as early as 1701 104 British vessels were employed in the slave-trade. The number, however, varied very widely in different years, the lowest number (in 1715) being but 24, and the highest (in 1771) being 192. The table was obtained from the inspector-general of imports and exports.

^b The Commission have endeavored in the above estimate to avoid error, except it be on the side of moderation. Very reputable authorities put the importations in the seventeenth and eighteenth centuries considerably higher than we have assumed them. Bancroft, who appears to have carefully investigated the matter, says:

"The English slave-trade began to attain its great activity after the *Asiento* Treaty. (That treaty was dated March 26, 1713.) From 1680 to 1700 the English took from Africa about 800,000 negroes, or about 15,000 a year. The number during the continuance of the *asiento* may be averaged not far from 80,000. (It continued for thirty years, to wit, from 1713 to 1744.) Raynal considers the number of negroes exported by all European nations from Africa before 1776 to have been 9,000, and the considerate German historian of the slave-trade, Albert Hüne,

his statement too small. A careful analysis of the colored population of different periods, and the inference to be deduced from the few authentic numbers imported, corrected by a comparison with the authentic

But we cannot attain to a just conception of the aggregate of evil and suffering produced by this gigantic outrage upon human rights, or of the loss of life attendant thereon, without considering, first, the mode in which slaves were supplied to the European traders; secondly, the manner in which they were transported to their destination, and thirdly, the result, especially in its influence on population in the slave colonies.

As to the two first subjects, the report of the Lords of Council an impeachable testimony furnishes many suggestive particulars. It is proved, in the first place, that the sources whence slaves were obtained on the African coast were:

First. As prisoners of war.

The evidence as to this source of supply was obtained from almost all the witnesses who had visited the African coast.

Major-General Rooke said: "When a ship arrived to purchase slaves, the King of Bornoh sent to the chiefs of the villages in his dominions to send him a given number; but if they were not to be procured on this requisition, the King went to war till he got as many as he wanted." During his stay at Gorée of four or five months he heard of two battles being fought for slaves. *a*

Capt. T. Wilson, employed on the business of Government in 1783 and 1784, states as to the Kingdom of Bornoh: "When they were at war they made prisoners and sold them, and when they were not at war they made no scruple of taking any of their own subjects and selling them, even whole villages at once. * * * He has been told that the King of Bornoh can bring 70,000 or 80,000 men into the field." *a*

Captain Hills: "There was scarcely an evening in which he did not see people go out in war dresses to obtain slaves from the neighboring villages." This was at Gorée. *b*

"The manner in which Sir George Yonge understood that slaves became so is, first, as prisoners of war, and these, he thinks, are the greatest number." This was in Senegal and Gambia, "but the same account was given to him all along the coast." *c*

The Rev. Mr. Newton: "The greater number of slaves are captives made in war." *d*

Mr. Dalrymple says: "One of the modes of making slaves adopted by the kings and great men is by breaking up a village; that is, setting fire to it and seizing the people as they escape. This occurs

products of slave labor, as appearing in the annals of English commerce, seem to prove beyond a doubt that even the estimate of Raynal is larger than the reality." (Baneroff's History of the United States, Vol. 8, p. 412.)

Raynal's estimate, thought too low by Hume, is 2,000,000 up to 1770, and, as the exportations averaged about 80,000 a year from 1770 to 1788, that would give 1,000,000 more, bringing his calculations up to 10,000,000 if extended to 1788. But our estimate as above, up to that year, is but 8,400,000; that is, upward of 1,500,000, or just 16 per cent. below Raynal's.

Baneroff thinks that we shall not err much if in the century previous to 1770 we assume the number imported by the English to have been 8,000,000. But the Commission have assumed the total imported by all nations in the two centuries preceding 1788 to have been 8,000,000. Baneroff estimates importation in a single century by one nation only at 8,000,000. We estimate importation in two centuries by all nations at 8,000,000. The probability will be conceded that the former estimate is at a higher rate, in proportion, than the latter.

*a*Lords of Council Report, Part I, Sheet G.

*b*Report cited, Part I, Sheet G.

*c*Report cited, Part I, Sheet H.

*d*Lords of Council Report, Part I, Sheet I.

sometimes in a neighbor's territory; more frequently in their own. The practice is notorious."

The witness speaks of Gambia and countries adjoining. *a* Another mode of procuring slaves is akin to this. They are "panyared," to employ the phrase of the country; that is, kidnaped by individuals.

Dr. A. Sparrman, inspector of the Royal Museum at Stockholm and a traveler in the interior of Africa, deposed: "They seize one another in the night, when they have an opportunity, and sometimes invite each other to their houses and there detain and sell them to the European traders. * * * The number of persons so kidnaped is considerable. He himself witnessed two instances." *b*

Mr. Falconbridge, a slave-trader, testifies: "On the windward coast the negroes are afraid of stirring out at night lest they be kidnaped. A woman, big with child, told him she was caught as she was returning from a neighbor's house." *c*

Mr. Devoyne says, speaking of the Gold Coast: "The greater part of the slaves are brought from the interior. They are sold from hand to hand, and many of them come from a great distance—it is said from 800 to 900 miles." *d*

The next source of supply is the selling of criminals. The universal testimony is that the chief crimes for which they are sold are adultery, theft, and witchcraft; sometimes for murder; occasionally they are sold for debt. Some stake their liberty in gambling and are sold if they lose.

Admiral Edwards said:

Adultery is the crime for which they are most usually sold. In this case the person offended has a claim not only to the man and woman offending, and to all their property, but also to their family and slaves. *e*

Theft is common among them. One witness, Mr. Dalzell, testifies that he purchased a son of his father, who sold him to avoid the punishment which the son had incurred for stealing from a white man, which, the witness adds, "is never pardoned." This was in the Kingdom of Dahomey. *f*

A witness (Mr. Weaver) explained that "they understand by witchcraft the power of doing mischief by supernatural means." *g* Another witness (Mr. Matthews) testifies that having refused to purchase a man suspected of witchcraft, who was offered to him for sale, "they tied a stone around his neck and throw him into the sea." *h*

The Rev. Mr. Baggs, chaplain to Commodore Thompson during two voyages (in 1783 and 1784), says of the African coast generally:

The revenue of the kings of the country depends on the sale of slaves. They therefore strain every nerve to accuse and condemn. Their codes of law are made subservient to the slave-trade. *i*

Mr. Penny deposes:

Some are made slaves in consequence of gambling, of which they are very fond. They stake themselves—first a leg, then an arm, lastly the head, and when they have lost that they surrender themselves as slaves. If a man stake and lose a leg only, he continues gambling until he has lost the whole of himself, or is cleared. *j*

a Report cited, Part I, Sheet G.

b Lords of Council Report, Part I, Sheet G.

c Report cited, Part I, Sheet N.

d Report cited, Part I, Sheet K.

e Lords of Council Report, Part I, Sheet L.

f Report cited, Part I, Sheet L.

g Report cited, Part I, Sheet I.

h Lords of Council Report, Part I, Sheet N 5.

There is no evidence that slaves are bred for sale. The concurrent testimony is against it.

There is abundant testimony in proof that as to negroes offered for sale as slaves and rejected by the slave-dealers on account of their state of health or otherwise, their fate was usually a sad one. Even delay in the market often caused their death.

The Rev. Mr. Baggs said "he had proof that when marauding parties come with their booty in slaves to the coast and find no vessels, they kill the slaves because of the expense of sending them back."^a

Mr. Fulconbridge, a slave-trader, said "he had seen slaves who were offered for sale and refused simply beaten."^b

Mr. Penny, who had made eleven voyages as captain of slavers, deposes: "He has been repeatedly informed that slaves brought for sale, and rejected by the slave-dealers on account of disease or otherwise, are destroyed as not worth their food."^c

Sir George Yonge "saw a beautiful child, about five years old, brought from the Buffam shore, opposite Sierra Leone. As the child was too young to be an object of trade, the persons who had him to sell gave him no food and threatened to throw him into the river. Sir George, to save his life, offered a quarter cask of Madeira for him, which was accepted; brought him to England and made a present of him to the Marquis of Lansdowne. He understood this child had been kidnaped."^d

Mr. Arnold, surgeon on board a slaver, testified:

One day a woman with a child in her arms was brought to us to be sold. The captain refused to purchase her, not wishing to be plagued with a child on board. So she was taken back to shore. On the following morning she was again brought to us, but without the child and apparently in great sorrow. The black trader admitted that the child had been killed in the night to accommodate the sale.^e

What a lifting of the veil upon a terrible series of atrocities is there even in these brief extracts, coldly and dispassionately worded as they are! For what a catalogue of crimes were they responsible who sent slavers to the African coast? What wars have they not stirred up? What murders instigated? What temptations have they not presented to the cupidity of savage sovereign and subject alike? If the King of Dahomey or some other royal barbarian perverted criminal law to obtain convictions as a source of revenue; if a black trader put to death the infant that the mother might be salable, who were the tempters to such acts? Who the original authors of this wickedness? The horrors of the middle passage were surpassed by those that necessarily preceded it.

The ministers of the British Crown cannot be accused of sentimentalism. They are no declaimers; no propagandists; no extremists in speculative philanthropy. Their humanity is tempered with moderation and suggested by official evidence. Yet with what perseverance have they labored even to the present day, after themselves abolishing the slave-trade in 1807, to procure its subsequent abolition by all civilized nations. Within twenty-five years, to wit, between 1818 and 1842, they concluded twenty-three treaties on the subject—with Holland, Sweden, Denmark, Russia, Austria, Prussia, Naples, Tuscany, Sardinia, the Hanse Towns, the United States, Hayti, Texas,

^a Lords of Council Report, Part I, Sheet N 5.

^b Report cited, Part I, Sheet M.

^c Report cited, Part I, Sheet I.

^d Lords of Council Report, Part I, Sheet H.

^e Lords of Council Report, Part I, Sheet N 4.

Mexico, Colombia, New Granada, Venezuela, Ecuador, Uruguay, Buenos Ayres, Chili, Peru, and Bolivia.

Lord Palmerston, speaking in the House of Lords in 1844, gave some of the reasons which stirred the government to move in this matter. He said:

The negroes destined for the slave-trade are not taken from the neighborhood where they are embarked; a great number come from the interior. Many are captives made in wars excited by thirst for the gain procured by the sale of the prisoners. But the greatest number arise from kidnapping expeditions and an organized system of man-stealing in the interior of Africa.

When the time approaches to set out with the slave caravans for the coast, the kidnapers surround a peaceful village at night, set it on fire, and seize on the inhabitants, killing all who resist. If the village attacked is situated on a mountain offering facilities for flight, and the inhabitants take refuge in the caverns, the kidnapers kindle large fires at the entrance, and those who are sheltered there, placed between death by suffocation and slavery, are forced to give themselves up. If the fugitives take refuge on the heights, the assailants render themselves masters of all the springs and wells, and the unfortunates, devoured by thirst, return to barter liberty for life. The prisoners made, they proceed to the choice. The robust individuals of both sexes, and the children above six or seven years of age, are set aside to form part of the caravan, which is to be driven to the sea-shore. They rid themselves of the children under six years by killing them on the spot, and abandon the aged and infirm, thus condemning them to die of hunger. The caravan sets out. Men, women, and children traverse the burning sands and rocky defiles of the mountains of Africa barefoot and almost naked. The feeble are stimulated by the whip; the strong are scourged by clanking them together or placing them under a yoke; many fall from exhaustion on the road, and die or become the prey of wild beasts. On reaching the sea-shore, they are penned up and crowded together in buildings called *barracoons*, where they fall a prey to epidemics; death often cruelly blinds their minds before the arrival of a slave-trader.^a

Lord Palmerston's general deduction from these and other facts connected with the trade is contained in the same speech. "It is calculated" he says, "that of three negroes seized in the interior of Africa, to be sent into slavery, but one reaches his destination, the two others die in the course of the operations of the slave-trade. Whatever may be the number yearly landed, therefore, we must triple it to obtain the true number of human beings which this detestable traffic annually carries off from Africa." A portion of the facts which form the data of such a calculation remain to be considered—the manner, namely, of stowing and of treating negroes in slave ships, and the mortality thence resulting.

The report of the Lords in Council, from which we have already so copiously quoted, furnishes evidence the most exact and conclusive as to the space commonly allowed to slaves during their passage.

The vessels employed were usually from 100 to 250 or 300 tons burden, averaging in early times little over 100 tons, but toward the end of the eighteenth century being of the capacity of 150 or 200 tons. The universal testimony is, that the average number carried per ton was two persons and upward.

John Anderson, master of slaver, conceives that two slaves to a ton cannot crowd a ship. Sir George Yonge (of the British Navy) says the usual allowance of space is two slaves to a ton, sometimes three. If two were allowed to a ton, he thought there would be room enough.

A bill had been introduced into Parliament which proposed to limit the number for each ton. Evidence was taken as to its effect, resulting as follows:

James Penny had made eleven voyages as captain of slaver. He

^a Speech of Lord Palmerston, delivered in the House of Lords, July 26, 1844.

was asked, "If the blank of the bill is filled with one and a half to a ton, will it, in your opinion, tend to the abolition of the trade?" Answer. "I am clearly of opinion that it will."^a

This witness handed in a table, of which the accuracy was afterward indorsed by Mr. Carleton, a Liverpool merchant extensively engaged in the slave-trade, exhibiting the estimate of profit or loss on a vessel of 100 tons at different rates of slaves per ton. Here it is:

	£.	s.	d.
At one man per ton, the loss is	500	1	0
At one man and a half per ton, the loss is	208	19	9
At two men per ton, the profit is	180	8	0
At two men and a half per ton, the profit is	3781	5	6

James Jones, six years captain of a slaver, deposed: "If a ship of 200 tons does not purchase 400 slaves and more, she must certainly sink the owners' money." He was asked, "What measurement do the merchants allow for each slave?" Answer. "In a ship of 200 tons and under, merchants all carry more than two slaves to each ton." Being asked what width was allowed, at that rate, to each slave when stowed below, he answered: "A full-grown slave takes sixteen inches in width; smaller slaves, twelve to fourteen inches."^c

John Matthews, seventeen years in the slave-trade, was asked, "What space in length and breadth do you consider sufficient for the health and comfort of the negroes on board?" Answer. "The space they occupy when they lie on their backs is always considered sufficient for them." When asked for the number of inches, he at first refused to give it, saying he did not know; afterward he gave fourteen and two-third inches as a fair average.^d

Another slave captain (James Bowen) expressed a different opinion. He said: "The average number of slaves carried is two to a ton. * * * Is of opinion that the greatest number of slaves which a ship can carry consistent with their preservation is not above one per ton."^e

James Penny, a part of whose evidence has already been quoted, said: "The average allowance of width to a slave is fourteen and two-thirds inches."

Captain Parrey was sent to Liverpool by Government in 1788 to take the dimensions of ships employed in the African trade. A plan and sections are given of one of these, the Brooks, a ship of 297 tons burden, well known in the trade. The room said by her owners to be allowed for each slave was: For men, each, six feet by sixteen inches; for women, each, five feet ten inches by sixteen inches; for boys, each, five feet by fourteen inches; for girls, each, four feet six inches by twelve inches. At these rates Captain Parrey found that she could carry 470 slaves. But she did carry 607, being about two to a ton. This reduces the width actually allowed to the men to less than twelve inches and a half; and the rest in proportion.^f

^a Lords of Council Report, Minutes of Evidence, p. 41.

^b Report cited, Minutes of Evidence, p. 21.

^c Lords of Council Report, Minutes of Evidence, pp. 44, 45.

^d Report cited, Minutes of Evidence, pp. 24, 25.

^e Lords of Council Report, Part III, Sheet D.

^f Mr. William James, who had made three voyages on slavers, testified "that on board the Britannia the height between decks was about five feet and a half. No slave whatever had room to turn himself when the cargo was completed. The chief mate, boatswain, and an active young man were employed in stowing or packing them together, as in adjusting their arms and legs and prescribing a fixed space for each." (Lords' Report, Part II, Sheet D 7.)

What terrible glimpses of human suffering are furnished by these dry mathematical details. The slaver, to make money, must stow his human cargo with twelve to sixteen inches only of board for each to lie on. Lord Palmerston, speaking of African slave ships, strikingly says: "A negro has not as much room in them as a corpse in a coffin."

As the witnesses examined by the Lords in council were, for the most part, masters or surgeons of slavers or merchants engaged in the trade, the results of this frightful system only occasionally came to light. The slaves, thus stowed away like so much inanimate cargo, often felt their lives so grievous a burden that they attempted suicide, sometimes by throwing themselves overboard, sometimes by refusing all food. To prevent the first mode of self-destruction, as well as to avoid the dangers of insurrection, the men slaves were always put in irons, fastened two and two, the "chains being locked at different intervals to the deck,"^b and when released and brought on deck, as they were every fine day, were compelled, by fear of the lash, to exercise—to dance, as the phrase of the trade was—in their fetters.^c As to the second mode of suicide, by self-inflicted starvation, its frequency rendered it an object of suspicion and of punishment. Captain Hull, a slave-trader, deposes: "Has known instances of slaves being punished for not eating, supposed to be from sabbathness, when in reality it was from indisposition; and in some instances the slaves so punished have been found dead next morning."^d

The women and children were not chained, and had usually more liberty than the men. But a surgeon of a slaver (Mr. James Arnold) thus indicates the spirit in which they were sometimes treated: "When the women were sitting by themselves below he had heard them singing, but always, at these times, in tears. Their songs contained the history of their separation from friends and country. These songs were so disagreeable to the captain that he has taken them up and flogged them in so terrible a manner for no other reason than this, that he (Mr. Arnold) has been a fortnight or three weeks in healing the incisions made."^e

In severe weather, when the slaves could not be brought on deck, the mortality was often frightful. An instance is stated of "a schooner which carried only 140 slaves meeting with a gale of wind which lasted eighteen hours, and losing, in that brief space of time, 50 slaves," upward of one-third of the whole number.

But worse misfortunes than storms sometimes overtook these poor wretches. Mr. William James testifies as follows: "In the year 1779, being master of the *Hound*, sloop-of-war, and coming from the bay of Honduras to Jamaica, he fell in, off the Isle of Pines, with two Liverpool Guineamen on the middle passage, commanded by Captains Ringmiden and Jackson, who had very imprudently (but whether willfully or not he cannot say) missed the island of Jamaica. Captain Nugent gave them chase and came up with them. Mr. James upon boarding them found them in great distress, both on account of provisions and water. He asked the captains (for both of them were on

^a Speech already quoted, of July 29, 1844.

^b Testimony of John Newton, mate of slaver. (Lords' Report, Part II, Sheet 3.)

^c While the slaves are upon deck it is thought necessary that they should take exercise, for which purpose the chief mate and the boatswain are stationed with cut-of-nine-tails to compel them to dance, as it is called. (Testimony of William James, Lords' Report, Part II, Sheet D 7.)

^d Lords' Report, Part II, Sheet C 2.

^e Lords' Report, Part II, Sheet D 2.

board one ship) why they did not go into the watering place at the west end of the Isle of Pines (near Cuba). They replied, that 'they had attempted to get in, but got into shoal water.' He then asked them what they intended to have done with their slaves if they had not fallen in with the *Homid*. They replied, 'to make them walk the plank'—that is, to jump overboard. Mr. James asked them again why they did not turn a number of the slaves on shore at the Isle of Pines and endeavor to save the rest. They replied again 'that in such case they could not have recovered the insurance, and that the rest would have gotten on shore.'"^a

The supply of water usually taken appears to have been very scanty. The same witness, speaking of his experience on board the *Britannia*, says: "Their rooms were so hot and intolerable that they were continually calling out for water, and they generally came upon deck in a sweat. * * * They were served twice a day with water, which is given them in a pannikin of tin of such dimensions as to hold not quite half a pint." ^a

Dysentery and diseases of a similar character were common among them. The details, as furnished by eye-witnesses who have given their experience, are too loathsome for reproduction. Mr. Falconbridge, a surgeon in this trade, who published a work on this subject in 1789, after giving a minute description of the scene below, adds: "The deck or floor of their rooms resembled a slaughter-house. It is not in the power of the human imagination to picture to itself a situation more dreadful or disgusting. Numbers of the slaves fainted and were carried on deck, where some of them died, and the others were, with difficulty, restored. It had nearly proved fatal to me also." ^b

That, under such a system, the average mortality should be very great can surprise no one. What the true average was is somewhat difficult to determine. That it was chiefly caused by the plan of packing human beings, sometimes for days and nights together, in a width of from twelve to sixteen inches each, is certain. The Rev. John Newton, who in early life had gone out as mate in a slaver, after stating that on his first voyage they buried one-third of the number taken, added that on a subsequent voyage they did not lose one—"the only instance of the kind that was ever known," he admits. Being cross-questioned as to the probable cause of this exceptional result, he said it was to be ascribed to the fact that "with room for 220 slaves, the number for which his cargo was calculated, they carried 90 only."

The mortality was least from the windward coast, greatest from Bony, Calabar, Benin, and Gaboon. Individual instances were frequently adduced by the witnesses in which it was about 5 per cent. Occasionally a witness alleges that to be the average, but this was in the windward trade. From the other points named they usually admit an average of 10 per cent. Mr. James Penny, eleven years a slave captain, speaking of the trade generally, said, "on an average he estimated (from his own experience and the best information he could collect) that the mortality was one-twelfth."

The only official table on this subject given in the Lords' Report indicates a much higher rate of mortality than that admitted by these slave-traders. This table is taken from the books of the Board of

^a Lords' Report, Part II, Sheet D 7.

^b Falconbridge's Account of the Slave-Trade, p. 81.

Trade. It exhibits the number of negroes shipped and the number delivered throughout nine years, namely, from 1680 to 1688, both inclusive, by the "African Company," and is from a statement made by the company itself. It is as follows:

Years.	Negroes shipped.	Negroes delivered.	Yearly loss.	Average loss.
			<i>Per cent.</i>	<i>Per cent.</i>
1680.....	5, 100	3, 761	27 $\frac{1}{2}$	.....
1681.....	6, 727	4, 080	21 $\frac{1}{2}$	.....
1682.....	0, 530	4, 494	29	.....
1683.....	0, 081	6, 388	28 $\frac{1}{2}$	.....
1684.....	5, 384	3, 845	28 $\frac{1}{2}$	.....
1685.....	8, 458	0, 304	20 $\frac{1}{2}$	.....
1686.....	8, 365	0, 842	18 $\frac{1}{2}$	.....
1687.....	5, 006	4, 777	14 $\frac{1}{2}$	.....
1688.....	5, 852	4, 030	16 $\frac{1}{2}$	.....
Total.....	60, 783	40, 804	.....	23

The mortality, it will be observed, was 14,380 out of 60,783 shipped: that is 23 $\frac{1}{2}$ per cent. *a*

The results from an official table like this, presenting an average on so large a scale, are far more reliable than any deductions from isolated cases or individual testimony or opinion. The very witnesses who spoke of 5 per cent. as the usual loss, when pressed in cross-questioning, admitted far heavier losses to be of frequent occurrence, as John Newton, Archibald Dalzell, Thomas Eldred. This last admitted that on a single voyage he lost half his slaves and half his crew.

The great crime avenged itself on those who aided in its perpetration. The epidemics which prevailed among the slaves were often communicated to the sailors, exposed as they were on deck day and night, and daily employed in occupations the most infectious and revolting, cleansing the lower decks and the like.

Sir George Yonge says "a Guinea ship seldom returns with more than half her complement of sailors, and he believes the annual loss of seamen in that trade is equal to the manning of two ships of the line."

The celebrated Thomas Clarkson supplied to the Lords' committee evidence on this point. He submitted a table exhibiting the results as to eighty-eight slavers that returned to Liverpool in the years 1786 and 1787. It showed that out of 3,170 sailors shipped there came home but 1,428, less than one-half; 642 (about 20 per cent.) are recorded as having died. The rest had deserted or were left behind on account of sickness. Of those who returned many went to the hospital and never recovered their health.

Another table shows the deaths of seamen on 24 West Indianmen, in a single voyage, to have been 6, while in 24 slavers it was 216. The average number of seamen employed on slavers being 36 on each (as 3,170 on 88 vessels in the table just referred to), the above is a mortality of 216 out of 864, or just 25 per cent.

Mr. Clarkson shows by other tables that the loss of seamen on board slavers is twenty times as great in proportion to numbers as on board vessels in the Petersburg or Newfoundland or Greenland trade; and he adds an expression of his belief that "the annual loss of seamen

a It is worthy of regard, in connection with this excessive mortality, that it occurred among persons all taken in the very prime of life.

in English slave-traders is greater than that in all other English trading vessels put together." *a*

So odious did this service become that seamen could usually be obtained for it only by fraudulent means through crimps and landlords of sailors' boarding-houses, though two months' wages (instead of the usual month's pay) were offered in advance.

Upon the whole, it seems to be sufficiently established that the usual rate of mortality among seamen was not less than 25 per cent. for each voyage; that is, during one year, for the rule of the African slave-trade was one round voyage each year.

As to the mortality among the slaves, there seems no good reason why we should not adopt the rate of loss shown in the statement of the "African Company" as the average on 60,000 slaves shipped in their vessels, namely, 23 $\frac{3}{4}$ per cent.

But even to this terrible mortality a material item may have to be added:

Among the documents in the Lords' Report is a report presented December 12, 1788, by a committee of the Jamaica House of Assembly to that house.

This committee, desiring to avert the inferences as to ill-treatment of slaves, liable to be drawn from the great decrease of the slave population of the island, made inquiry "as to the number of new negroes that have perished in the harbors of this island between the time of their being reported at the customhouse and the day of sale, all which are reported in official books and returns as negroes actually imported." They found, from the examination of a negro factor (Mr. Jindo), that "out of 7,873 negroes consigned to him in the years 1786, 1787, and 1788, and reported at the customhouse, 363 died in the harbor of Kingston before the day of sale." *b* This gives a mortality of about 4 $\frac{1}{2}$ per cent. on shipboard after entry and before landing.

It does not clearly appear from the table of the African Company whether by "negroes delivered" they mean those entered as arrived in the books of the office, or those actually offered for sale. If the former, then we have 4 $\frac{1}{2}$ per cent. to add to 23 $\frac{3}{4}$ per cent. furnished in the African Company's table; making an aggregate of 28 $\frac{1}{2}$ per cent. as the average mortality incident to the passage.

What shall we say of the estimates of those slave-dealers who would have us believe that the entire average mortality among slaves on the terrible middle passage amounted to but one-fifth of the mortality among the crews of slavers, and only to about the percentage which by official documents we find to have taken place after the close of the voyage during a few days' delay in harbor previous to disembarkation?

On the whole, whether this loss in harbor is to be added to the African Company's estimate or not, it may be confidently assumed that the mortality among slaves imported from the Eastern to the Western Hemisphere, estimated from the time of shipping to that of landing, did not fall short of from 20 to 25 per cent. Lost we exaggerate, however, let us put it at 20 per cent. only. *c*

a Lords of Council Report, Part II, Sheet F 3.

b Lords of Council Report, Part III, Sheet R.

c It may not be wholly unnecessary to remind the reader, if he be not familiar with the calculation of percentages, that if 20 per cent. of the negroes received on board be the number lost on the middle passage, while we must deduct that percentage from the total shipped to ascertain the number landed in the colonies, we must add not 20 but 25 per cent. to the number landed if we wish to obtain the number shipped. Thus, if the number of negroes shipped be 100, we obtain the

It is considered a bloody battle when 10 per cent. of the combat engaged are killed or wounded. The loss at Gettysburg did amount to so high a percentage. Nor even when that proportion killed and wounded is reached does the ultimate mortality amount 5 per cent.

Through what a frightful ordeal, then, were these poor wretches during their incarceration of eight or ten weeks on board Christian-owned slavers, doomed to pass! Their ranks twice decimated in a brief period; their numbers, without regard to age or sex, thinned death, as the numbers of soldiers passing through four sanguine battles seldom are; not inspired, as the soldier may be, by zeal in cause; not sustained, as the soldier in battle is, by hope of victory; their future dark, purposeless, despairing, as the prospect of pitiful slavery, ending only at death, could make it; what people, even in the hurrow of pagan victory, were ever made to endure what they endured?

And this crime of one portion of God's creatures against another was committed not in the case of thousands, not even of millions only; it was committed through the persistent barbarities three centuries and a half, in the case of tens of millions! When consider the character of the means employed in Africa to fill up the slave cargoes; the warring wars waged to procure prisoners; the marauding bands of kidnapers living villages and killing all who resisted; the slaughter of those who were too young, and the abandonment of those who were too old or infirm to be marketable; the death on the long, desert journey; and again the pestilence-invaded barracoons; and yet again in the dungeons of the slave ship—when reflect upon all these prolific sources of mortality we shall not be inclined to consider Lord Palmerston guilty of exaggeration when calculated that we must treble the number of slaves actually landed in the colonies to find the total of persons who were consigned to death or slavery by the various operations of the trade from inception in the Old World to its close in the harbors of the New.

But lest in this the British premier should have exaggerated, let us assume that the number of those who perished in Africa by slave war marauding murders, pestilence, and the extremity of hardship, previous to embarkation, was but equal to the number embarked. In other words, let us, to obtain the entire number of victims, lower the estimate to double the number only that were actually received on board slave ships. Then, according to our previous calculation assuming the number shipped from Africa in the three and a half centuries through which this traffic lasted to have been 15,500,000 we have 31,000,000 as the total number of negroes who have been consigned to death or to foreign slavery that one race of men might live by the labor of another. Thirty-one millions! a portion of mankind equal in number to the entire inhabitants, Northern and Southern white and colored, of the United States!

Of these 31,000,000 upward of 4,000,000 (a population equal to that of the United States when independence was declared) were

number hundred, namely, 80, by deducting 20 per cent. from 100; but to those 80 we must add 25 per cent. on 80 in order to obtain the original number shipped namely, 100.

The term "middle passage" is not to be understood as designating the transoceanic route to the West Indies from any particular portion of the slave coast. "Middle passage, or mid-passage; the passage of a slave ship from Africa across the Atlantic Ocean." (Worcester's Dictionary.)

cast into the Atlantic,^a while less than 12,500,000 were landed in colonial ports and distributed to planters from the auction block.

Never, in any three centuries of man's written history, was the violation of a great principle, alike in political economy, in national morals, and in the religion of Christ, followed by a succession of outrages against God's creatures—in numbers a vast nation—so openly sanctioned by public law and solemn treaty, so shamelessly countenanced by public opinion, yet so marked at every stage of its progress by those flagrant enormities which usually arouse loud-spoken indignation, even when they do not stir to practical reform, among mankind.

But we have raised the curtain on but the first two acts of the great tragedy, the scene being laid of the first in Africa, of the second in the prison-slaver. The third and last, opening on colonial plantations, remains to be glanced at. We must say a few words as to the treatment of those who survived death to become, in a foreign land, slaves and the progenitors of slaves.

The graphic recital of individual barbarities, authentic examples of which can be found without number, are best calculated to stir indignation; but a doubt may obtrude itself, in reading these, as to how far they constitute the rule, and how far they are to be taken as the exception only. Statistical details on a large scale, grave and dispassionate though their language be, addressed not to the heart but to the reason, carry with them a force of evidence far beyond that of individual example; a force of evidence against which sophistry strives in vain; which compels conviction, except when the mind is closed against all proof by the hermetic influence of prejudice.

We select an example of such evidence, based on official tables running through nearly three-quarters of a century, and bearing upon the character of slavery in the principal English colony in the West Indies. The character of England for humanity, as compared with that of other owners of slave colonies—Spain, France, Holland—is not below the average; and on that score the example may be assumed as fair.

To the Jamaica House of Assembly, convened by the Governor of the colony, August 6, 1702, a return was made of the negroes and stock then on the island. The number of slaves was 41,596.^b

In the report of the Lords in council, from which we have already so copiously extracted, is a table giving the number of negroes annually imported into and exported from the island of Jamaica, from the year 1702 to the year 1775, both inclusive; that is, during seventy-four years.

Imported.....	497,736
Exported.....	137,014

Leaving an addition, by importation, to the negro population of the island, in seventy-four years, of 360,722

^a The dead were thrown overboard even in port. Captain Cook, commanding a trading vessel on the east coast of Africa, in 1830-1838, informed Mr. Fowell Buxton that slaves who die on board in ports are never interred on shore, but are invariably thrown overboard, when they sometimes float backward and forward with the tide for a week, should the sharks and alligators not devour them. (The African Slave-Trade, by Thomas Fowell Buxton, London, 1839, p. 93.)

^b Annals of Jamaica, by the Rev. G. W. Bridges, A. M., London, 1827, Vol. 1, p. 331.

^c Lords of Council Report, Part III, Jamaica, Sheet P.

These two items of 41,596 negroes in the island in 1702, and 300,722 imported from Africa from that time up to 1775—together 402,318—give the number of negroes who would have been in the island in 1775 if the population had neither augmented by natural increase nor diminished by mortality in the previous seventy-four years. But, in point of fact, this population of 402,318 was represented in 1775 by only 192,787 survivors. *a* It had diminished in three-quarters of a century by 209,531; that is, to less than one-half.

A similar table to that above referred to for Jamaica is given for the British West Indian colony next in importance, namely, the island of Barbadoes. It extends, however, over seventeen years only, from 1764 to 1780, both inclusive. *b* It indicates a rate of decrease in the slave population far greater even than that in Jamaica. It appears from the table that in 1764 there were in the island 70,700 negroes; that there were imported in the next seventeen years, namely, up to 1780, 38,843, no importations of negroes in the last seven years of the period nor any exportations of them throughout the period being recorded. To 70,706 (the number in 1764) add 38,843 (the number imported in seventeen years) and we have 109,549 as the number of negroes who, if there had been no natural increase or decrease of population, would have been alive in 1780, but in that year there were but 68,270 alive on the island. At this rate of decrease the population would have diminished to one-half in twenty-three years.

But, to obtain general results, we must look to more comprehensive estimates than these. Unfortunately there are to be found no full statistical details which might enable us to calculate with accuracy the number of negroes and their descendants of mixed blood now on the Western Hemisphere. We know that there were in 1860 4,435,709 in the United States. *c*

We know that in the West Indies, including Guiana, there were emancipated by England, France, Denmark, Sweden, and Holland about 915,000 slaves; *d* and the usual estimate is, that to these should be added one-fifth to obtain the present colored population of these colonies. This would give 1,098,000—or say, in round numbers, 1,100,000—as the entire colored population of the West Indian colo-

a The Rev. Mr. Bridges, after quoting the table above given, and stating that after deducting the negroes exported from those imported, 300,722 were left for the supply of the island, adds that the number alive in 1775 was 192,787. (Work cited, Vol. 2, p. 450.)

b A resident for years in Jamaica, Mr. Bridges had access, through the Duke of Manchester, Governor of the island, to all important official documents. An apologist of slavery, he may be trusted as to any evidence against it.

c Lords of Council Report, Part III, Barbadoes, Table A, No. 15.

d Preliminary Report of Eighth Census, p. 7.

e The total number emancipated was as follows:

England	770,300
France	248,500
Holland	45,000
Denmark	27,144
Sweden	531
Total	1,091,025

But of the slaves emancipated by England 102,303 were not in the Western Hemisphere, namely, at the Cape 35,700, and in the Mauritius 66,613. There were also among those liberated by France 74,501, in the Eastern Hemisphere, namely, in the island of Bourbon 60,651, in Senegal 10,350, and in Nossi-bé 3,500. Deducting these two items of 102,303 and 74,501 from 1,091,025 we have 914,661 as the total of slaves emancipated in the West Indies, including Guiana.

nies of England, France, Holland, Denmark, and Sweden, a lot us say in 1860.

The census returns of the Spanish West Indian colonies, still slave, are imperfect, and the several estimates of population in these islands vary widely. The most authentic estimates based on actual census returns make the slave and free colored population of Cuba, as late as 1853, a little more than half a million; *b* with a fair allowance for increase since that date, we may put it in 1860 at 530,000. Porto Rico, a flourishing and increasing colony, contained, by a census return of 1846, *c* 447,914 inhabitants, of whom about 54 per cent. were white, leaving about 206,000 colored. The rate of increase for the sixteen years preceding was a little upward of 2 per cent. a year. As but 50,000 or 55,000 of the colored people in this island are slaves, so that the gradual falling off of the slave-trade would not very seriously affect the population, we may suppose that some 25 per cent. (say 51,500) have been added since; making in all 257,500 for the entire colored population of Porto Rico.

This would give in the Spanish West Indian colonies a colored population in 1860 of 787,500.

We have not been able to find any official returns of the population of Hayti later than 1826. In 1820, in a "Memoire sur Saint Dominique,"

a This is probably a full estimate. There were freed in Jamaica 311,070 slaves, one-third of the whole number emancipated in the West Indies. But by the census of 1844 the total black and colored population of the island was but 361,037, having diminished in ten years nearly 20,000. Sewall (Ordeal of Free Labor in the British West Indies, New York, 1862, p. 245) says: "If the estimate of mortality by cholera and smallpox within a few years be correct, I do not believe, after making every allowance for a proper increase by birth, that the black and colored population of Jamaica exceeds at the present day 350,000." This is but 12 per cent. more than the number of slaves freed. If Cochin's estimate of the population of the West Indies be correct, there were in the British West Indian colonies in 1855 but 845,000, of whom between 140,000 and 150,000 were whites, leaving, say, 700,000 for the entire colored population. (Cochin, Tom. 1, p. 478 and pp. 366, 367.) But England emancipated in the West Indies 670,000 slaves (Cochin, Tom. 1, p. 367), or within 30,000 as many as comprised in 1855 (according to Cochin's estimate) the entire colored population in her West Indian colonies.

The addition to the number of slaves emancipated in the West Indies of one-fifth, or 20 per cent., to make up the total colored population, say in 1860, is evidently ample.

b I take these from a work published in 1855, entitled "Cuba," from the Spanish of Don J. M. de la Torre, edited by R. S. Fisher, statistical editor of Colton's Works. A table (p. 119) gives census returns at intervals from 1775. The three last are:

Year.	White.	Free colored and black.	Slaves.	Total.
In 1840.....	425,767	140,226	323,760	898,752
In 1849.....	457,133	191,410	325,607	945,440
In 1853.....	591,088	176,647	339,426	1,006,000

In 1846 there were 472,982 [*sic*] free and slave; in 1853 there were 507,072, an increase in seven years of about 34,000. If (as the supplies from the slave-trade have been diminished) we put the increase since then at 43,000, we shall have 550,000 as the present total.

c Porto Rico, by J. T. O'Neill, edited by R. S. Fisher, 1855, has returns from an early date. The three last are:

1830.....	330,051
1834.....	358,830
1846.....	447,014

In the census of 1834 the whites were 54 per cent. of the whole population, the free colored being 35 per cent., and the slaves 11 per cent. The proportion of slaves at this time is said to be 0 per cent. only.

by Lieut. Gen. Baron Pamphile de Lacroix, the population of the island is put at 504,000, of whom only 1,000 are set down as white.^a In 1825 M. Placide Justin estimates the population at 700,000.^b But in 1826 Charles Mackenzie, British consul-general in Hayti, obtained an official population return, not published, which had recently been made to the Haytian Chamber of Commerce. It gives the population of each commune separately, making the total population of the island at that time 423,042.^c This return Mr. Mackenzie considers more reliable than any other. It affords proof how little trustworthy are vague estimates of population, which usually overrun the truth, in consequence probably of the desire of a nation or its government, in the absence of an undeniable census, to represent its numerical strength as great as possible.

Some very partial returns of an authentic character, furnished by Mackenzie,^d give the rate of natural increase in the population in certain communes at about three-quarters of 1 per cent. only per annum. But no trustworthy deductions can be made from returns so limited. The actual rate of increase from 1836 [1826] to 1860—thirty-four years—is probably double this, say $1\frac{1}{2}$ per cent. a year.

Allowing for omissions^e and for Mackenzie's opinion that the census given, though the most reliable document he could obtain, may be an underestimate,^f let us, instead of the total of 423,042, there given as the population in 1826, assume the black and colored population of Hayti in 1826 at Baron de Lacroix's estimate of 500,000, adding thereto, to bring it up to 1860, $1\frac{1}{2}$ per cent. a year for thirty-four years—that is, 51 per cent.—and we have the total negro and mulatto population of the island at 755,000.^g

^a The estimate is:

Blacks.....	460,000
Mulattos.....	20,000
Whites.....	1,000
Total.....	501,000

^b Notes on Hayti, by Charles Mackenzie, F. R. S., London, 1830, Vol. 2, p. 112.
^c Notes on Hayti, above cited, Vol. 2, pp. 113, 114. The population is thus divided:

Population of the north, west, and south (also French part) of the island.....	351,819
Population of the east (Spanish part).....	71,223
Total.....	423,042

^d These returns show an annual excess of births over deaths of eighty on an average of five years, in the commune of Saint Jago, containing 11,056 inhabitants; and again, a similar excess of 75 per annum, on an average of six years, in the commune of Cape Haytien, on 12,151 inhabitants; in neither case reaching three-quarters of 1 per cent. (Notes on Hayti, Vol. 2, pp. 117, 119.)

^e Grands Bois, the residence of the Maroons or refugee negroes, then inhabiting the mountains which stretch from the neighborhood of Mirebalais to the coast on the east of Jacmel, is omitted, as that wandering people could not be reached, so as to enumerate them. Their number at that time is commonly estimated at 6,000.

^f Notes on Hayti, Vol. 2, p. 110.

^g Victor Schölicher, who in 1843 published *Les Colonies Françaises*, is the author of two volumes, published in 1843, entitled *Colonies Françaises et Haïti*. The spirit in which his works are written may be judged from the motto: "It would be as easy to regulate humanely assassination as slavery," and his opinions on Hayti are entitled to the more weight, as they are the result of a personal visit to that island and exploration of its interior. He says:

"There has been no census taken for the last fifteen years. * * * Though children swarm in the cabins, those who speak in good faith concur in the admission that the population does not increase. The Government, indeed, puts the

As respects Central and South America, any estimate of the number of negroes and their descendants of mixed blood must be founded on data still more uncertain than those which relate to the West Indies. Not only are we without any census of modern date to aid in the research, but an element of uncertainty intervenes which even census returns would fail to dispel. The aboriginal Indian races and their descendants of mixed blood are in large proportion all over this country, and are so blended in some portions of it that it is impossible to distinguish between them and the African mulatto of various shades.

Brazil, the only considerable portion of the South American continent in which slavery exists, contains, of course, by far the larger number of negroes, probably four-fifths, or more, of all that are to be found in Central or South America. Into this country slaves were imported from Africa in considerable numbers as late as fifteen years ago.^a

A census, spoken of as official, bearing date June 22, 1831, states the entire population at 5,035,000, of which 2,000,000 are set down as slaves.^b The free colored population is not given.

An estimate in the Penny Cyclopædia puts the negro population in 1836 at 2,000,000, namely, 1,600,000 slaves and 400,000 free.^c If the proportion here given between slaves and free be correct, and if the census of 1831 may be trusted, the number of free colored of African descent was then 500,000. This would make the entire colored population of African descent in 1831 2,500,000; that is about one-half of the whole population, the other half being whites, Indians, and a mixed race, sharing the Indian blood. From the year 1831 to the year 1856 we find no record of any population returns claiming to be official. In 1856 the Brazilian Government published returns, summing up 7,678,000, but not distinguishing the races.

The latest and probably the most reliable authority on this subject is the work of Kidder and Fletcher on Brazil, from which (p. 612) the above returns are taken.^d These gentlemen believe the government

population at 800,000, but the general opinion is that it does not exceed 700,000." (*Colonies Étrangères et Haïti*, Vol. 2, pp. 264, 265.)

This is the judgment of one whose book is a defense of the Haytiens and of their character, and who is evidently disposed to represent everything as favorably as truth will warrant. Colten's Descriptive Atlas (1808) gives the entire population of the island in 1800 at 708,500. Some others put it as high as from 800,000 to 900,000. Upon the whole, the data here brought together induce us to believe that these latter figures, like the government estimates to which Schölicher alludes, are an exaggeration; and that in estimating the colored population of the island in 1800 at 755,000 we are as likely to exceed the actual amount as to fall short of it. The number of whites in the island are scarcely worth reckoning.

Diligent search has convinced me that reliable documents as to the actual population of this island are not to be obtained.

^a M. de Souza, Brazilian minister of foreign affairs, stated, under date May 14, 1858, that the number of slaves imported was:

1846	50,324	1848	50,000
1847	50,172	1849	51,000

He added that in 1852 the number imported had been reduced to 700. (Cochin, Tom. 2, p. 288.)

^b Horner's Brazil and Uruguay, p. 71.

^c Penny Cyclopædia, Vol. 5, Art. Brazil.

^d Kidder and Fletcher inform us in their preface that their "experience in the Brazilian Empire embraces a period of twenty years;" and they add: "The authors have consulted every important work in French, German, English, and Portuguese that could throw light on the history of Brazil, and likewise various published memoirs and discourses read before the flourishing 'Geographical and Historical Society' at Rio de Janeiro. For statistics they have either personally examined the imperial and provincial archives, or have quoted directly from Brazilian State papers." (Brazil and the Brazilians, Preface, pp. 4, 5.)

returns of 1856 to be an overestimate; and they give, as more trustworthy, a table, made up from the estimates of Senhor Francisco Nunes de Souza, a native statistician, quoted also by Kewbark. The table was published in the *Agricultor Brasileiro*. It is for 1856, and sums up 7,040,000.^a

The same authors give us also estimates of the percentage of slaves to the free population in one-half of the provinces composing the empire. It is to be regretted that the proportion in the other half, the most populous, containing more than three-fifths of the population, cannot be obtained. These estimates, we are told, are "from the very careful computation of the Hon. A. W. Petit, formerly U. S. consul at Maranhão." They show an aggregate of 944,623 slaves in a population of 2,680,000.^b The number of free colored is not given. To bring these estimates up to 1860 we must add the increase of population during four years. The rate of increase, deduced from the average of estimates going back thirty years, is about $1\frac{1}{2}$ per cent. a year, or 7 per cent. in four years. This gives us 492,800; which, added to 7,040,000, raises the total population of Brazil in 1860 to 7,532,800; an estimate which, in default of an official census, we adopt. It is somewhat above the average of the current estimates of the day.^c

If the proportion of slaves to free persons be the same in the remain-

a In the Province of—		In the Province of—	
Amapá	100,000	Rapinha São	90,000
Pernambuco	100,000	Rio de Janeiro	1,400,000
Paraná	280,000	São Paulo	680,000
Piauí	170,000	Pernambuco	70,000
Ceará	160,000	Santa Catharina	80,000
Rio Grande do Norte	160,000	Rio Grande do Sul	210,000
Paraná	280,000	Minas Geraes	800,000
Pernambuco	800,000	Mato Grosso	100,000
Alagoas	210,000	Goyaz	120,000
Sergipe	180,000		
Bahia	880,000		
		Total population of Brazil	7,040,000

(From Brazil and the Brazilians, already cited, p. 509.)

b The details are as follows:

	Total popula- tion.	Slave popula- tion to free in the pro- portion of—	Number of slaves.
Pernambuco	100,000	1 to 1.431	78,167
Paraná	170,000	1 to 3.000	40,372
Rio Grande do Norte	160,000	1 to 7.221	10,462
Alagoas	210,000	1 to 4.221	40,232
Sergipe	180,000	1 to 2.327	45,836
Rapinha São	90,000	1 to 2.000	10,910
Rio de Janeiro	1,400,000	1 to 1.181	641,907
Santa Catharina	80,000	1 to .6	10,000
Goyaz	120,000	1 to .7	16,000
Mato Grosso	100,000	1 to 11.4	22,727
Total	2,680,000		944,623

(From Brazil and the Brazilians, p. 509.)

c Of popular estimates found in modern gazetteers and descriptive atlases, a few are a little above this, while others are considerably below it. The average of these would make the population in 1860 about 7,250,000 only.

The Imperial Gazetteer puts the total in 1854 at 6,065,000; Harper's Gazetteer in 1855 at 6,150,000. Passing by McCalloch's Gazetteer, where it is "vaguely estimated at 5,000,000," we have the estimate in Mitchell's Descriptive Atlas of the population in 1860. Colton puts it for the same year at 7,780,000. In two first estimates at the rate of $1\frac{1}{2}$ per cent. a year to bring them we have 6,701,200, 6,888,180, 7,700,000, and 7,787,000 as various esti-

ing ten provinces as in those estimated, then the total number of slaves in the Empire of Brazil was in the year 1860 2,655,000.

But inasmuch as the largest proportions of slaves to free persons are to be found in the populous provinces on the Atlantic Coast, and as three of these, to wit, Pernambuco, Bahia, and Minas-Geraes, each with a population of 800,000 or upward, are among the provinces not estimated, we think the above total of 2,655,000 slaves is probably somewhat too low, and that it may bear an addition of 10 per cent. This would give for the Empire of Brazil in 1860 2,920,500 slaves; an estimate which we believe to be as near the truth as anything we are likely to obtain. *a*

We find no reliable data in regard to the number of free persons of African descent, of which the probable reason is the great mixture of colored races. The aborigines of Brazil at the period of its conquest are said to have numbered between 4,000,000 and 5,000,000,^b and though probably not more than a fifth of that number now survive, the half and quarter breeds are very numerous.

Ewbank gives an estimate by Señor de Souza (the same writer probably whose calculation of later date is relied on by Kidder and Fletcher), in which, putting the total at about the same we have given,^c he divides the population into 2,160,000 whites, 3,120,000 negro slaves, 800,000 domesticated Indians,^d 180,000 free blacks, and 1,100,000 "free colored." Unless all the Indian half and quarter breeds are included in the class of "domesticated Indians," which is not likely, we cannot regard the free colored as all of African blood.

On the other hand, it is certain that the number of free negroes and mulattoes in Brazil is large—larger probably than in any other slave country. "By the Brazilian laws a slave can go before a magistrate, have his price fixed, and can purchase himself."^e Large numbers avail themselves of this privilege, and the class of freemen is rapidly increasing. All writers agree that more than half the population of Brazil consists of persons of African descent, slave and free.

Under these circumstances, as it is our object not to overstate the case, and therefore to avoid all underestimates of the number of negroes

mates of the population in 1860. Averaging these, we have 7,219,107 as the total population of Brazil.

We are of opinion, however, that the estimate we have adopted, based on the calculations of M. de Souza and indorsed by Messrs. Kidder and Fletcher, and which exceeds the above by 323,000, is more reliable and probably approaches nearly the truth.

a Cochin, accurate as he usually is, undoubtedly understates the number of slaves in Brazil. Writing in 1801, he says in one place "more than 2,000,000," and in another he assumes 2,000,000 as the number. "Pres de 4,000,000 esclaves aux Etats Unis, plus de 2,000,000 au Brésil," is his expression. And again: "Les 2,000,000 Africains, esclaves au Brésil." (Cochin, Vol. 2, p. 237.)

b Life in Brazil, by Thomas Ewbank, 1860, p. 430.

c The exact figures are 7,300,000, and the date appears to be 1845. This is but 40,000 less than his subsequent estimate for 1856. Ewbank says: "Nothing like positive data was within this writer's reach." From De Souza's last calculation we may infer that he formed his estimate for 1845 too high.

d A report by Councillor Vollosa, made in 1819 (quoted by Ewbank, work cited, p. 480), giving the total population at 4,396,321, includes "800,000 wild Indians." *e* Brazil and the Brazilians, p. 183. The author adds: "Some of the most intelligent men that I met with in Brazil—educated at Paris and Coimbra—were of African descent; men whose ancestors were slaves. Some of the closest students in the National Library are mulattoes. The largest and most successful printing establishment in Rio, that of Sr. F. Paule Brito, is owned and directed by a mulatto. In the colleges, the mediocrity, law, and theological schools, there is no distinction of color. * * * I was informed that a man of mental endowments, even if he had been a slave, would be debarred from no official station, however high, unless it might be that of imperial senator."

who have survived the horrors of the middle passage and the cruelties of slavery, we will assume De Souza's figures, without any deduction for Indian blood, making the free negro population of all shades 1,280,000. This, added to the slaves, gives us as the population, free and slave, of African descent in the Empire of Brazil for the year 1860 a total of 4,200,500, leaving less than three millions and a third for whites, Indians, and Indian mixed races. One item still remains, the most vague and uncertain of any—the number of negroes and mulattoes in the free republics of Central and South America. In all of these the aboriginal races and their descendants vastly predominate; in all of them the mixture of race and gradations of color defy analysis. In none of them has slavery had more than a comparatively ephemeral existence. But as negroes do not voluntarily emigrate to the Western Hemisphere, all the negroes or mulattoes to be found in these countries must be originally due to the slave-trade, with such trifling additions as the straying off of slaves or of free colored persons from the West Indies or from Brazil may occasionally have made.

In Mexico the number of negroes seems to be accurately ascertained. The various estimates differ but a few hundreds; none under 6,000, and none over 7,000.^a Let us assume the latter number as the negro population of Mexico in 1860.

In Central America, as in Mexico, the representatives of the African race are a very insignificant part of the population. Squier, formerly chargé d'affaires of the United States to the Republics of Central America, is undoubtedly one of the best, if not the very best, authority on that point. He says: "The population of Central America, in the absence of reliable data, can be calculated only approximately."

The following table probably exhibits very nearly the exact proportions in Central America, so far as they may be deduced from existing data and from personal observation:^b

Whites.....	100,000
Indians.....	1,100,000
Mixed races.....	800,000
Negroes.....	10,000
Total.....	2,010,000

^aAlbert M. Gilliam, late U. S. consul to California, in his *Travels Over the Table-Lands and Cordilleras of Mexico, 1846* (p. 164), says: "The census of the population of Mexico, it is said, cannot be accurately taken. From the various estimates made by those having the best opportunities of knowing, a table was furnished me by a gentleman who, from his long residence in the country, and by some attention paid to the subject, may be relied on as measurably correct." The table is as follows:

Indians.....	4,500,000
Other castes.....	3,000,000
Negroes.....	6,000
Total.....	7,506,000

Brantz Mayer, formerly secretary of legation to Mexico, in his work entitled "Mexico: Aztec, Spanish, and Republican," 1853 (Vol. 2, p. 43), estimates the different classes of the population thus:

Indians.....	4,354,880
Whites.....	1,110,000
Mestizos.....	2,165,316
Negroes.....	0,000
Total.....	7,630,196

^bSquier's *Notes on Central America*, pp. 53, 54.

This would give us, for Mexico and Central America, 17,000. Let us say, in round numbers, 20,000.

If we pass to South America, we find, in Venezuela, a country coterminous with the slave colonies of Guiana, a considerable number of negroes. Boumycastle estimated in 1818 that there were 54,000 negroes in Venezuela.^a Codazzi puts down in 1841 49,782 slaves.^b Negroes were employed in the wars of this Republic, and in those many are said to have perished.^c It is certain they have not increased in late years. Boumycastle's calculation for 1818 is probably a full estimate for 1860. But we have put the number at 60,000. New Granada appears to contain a larger number of negroes than any other of the South American republics. Cobb in his *Historical Sketches of Slavery* puts the total in 1853 at 80,000.^d Bollaert, apparently one of the most reliable authorities, so far as his researches extend, estimates that in 1860 there were of the Ethiopian race in New Granada 80,000.^e Colton in his *Descriptive Atlas*, 1860, apparently following these authorities, puts the population at 2,243,054, of whom 80,000 are negroes. We shall assume that to be the number. In Ecuador the number is small. Bollaert sets it down for the year 1860 at 7,831;^f and Colton has the same estimate.

In Peru the largest proportion of negroes is to be found in the province of Lima. Hill estimates for the province 7,500.^g Doctor Von Tschudi puts the slaves in 1847 in the same province at 4,792.^h Bollaert estimates the total negroes in Peru at 40,000.ⁱ We cannot find, after much search, any estimate that seems more reliable than this last. In Chili there have never been more than a few negroes, either free or slave. The usual remark of the traveler (as Cobb, Schmidtmeyer, Molina, and others) is that very few negroes are to be found there. Bollaert puts the number at thirty-one only; but this must be an error, for in 1826 slavery was abolished, without difficulty or disturbance, it is true, which would indicate that the number was small; but it is not likely that so small a number as Bollaert's estimate indicates would be made the subject of legislation at all. We have put down for Chili 1,000, which will probably cover all that are to be found there at this time.

In Bolivia, in a population chiefly Indian, amounting to about 2,000,000, we have no estimate whatever. "Few pure Africans," says Colton. "Some few Africans," says Bollaert. Probably 3,000 may cover the total amount.

In the Argentine Confederation previous to the revolution of July 9, 1816, slavery prevailed, and many slaves had been imported—some directly to Buenos Ayres; others through Brazil. At the present time the negroes in La Plata are not numerous. There are a good many in Mendoza. The great mass of the population, however, are

^a Boumycastle's *Spanish America*, Vol. 2, p. 319.

^b Codazzi's *Geografía de Venezuela*, 1841, p. 241.

^c *Colombia; Its present State, &c.*, by Col. Francis Hall, hydrographer in the service of Colombia, p. 15.

^d *Historical Sketches of Slavery*, 1858, pp. 206, 207.

^e *Antiquarian, Ethnological, and other Researches in New Granada, Ecuador, Peru, and Chili*, by W. Bollaert, 1860, p. 7.

^f Work cited, p. 94.

^g *Travels in Peru and Mexico*, 1860, Vol. 2, p. 88.

^h *Travels in Peru*, 1838-1842, by Dr. J. J. von Tschudi, 1847, p. 64. Of the above 4,792 he says 2,186 were males and 3,000 females. The negro population of Peru does not appear to have been due directly to the slave-trade.

ⁱ *Antiquarian, Ethnological, and Other Researches in New Granada, Ecuador, Peru, and Chili*, by W. Bollaert, 1860, p. 115.

Indians. If we put the total number of negroes within the Confederation at 25,000 we shall probably be above rather than below the truth.

In Paraguay there are few negroes to be found.^a Five thousand will, we believe, cover the amount.

They are more numerous in Uruguay. To this Republic, previous to 1842, about which time slavery was abolished, there had been brought negroes both directly from Africa and also through Southern Brazil. One writer estimates the number of negroes in Uruguay at 20,000,^b and, as we find in the various works on this country no other estimate, we adopt this.

In Patagonia it would appear from the various authorities that no negroes are to be found.

Thus we have for Mexico, Central America, and South America, apart from Brazil, the following estimate:

Mexico and Central America..	20,000	Bolivia	5,000
Venezuela	00,000	Argentine Confederation.....	25,000
New Granada.....	80,000	Paraguay.....	5,000
Ecuador.....	7,881	Uruguay.....	20,000
Peru.....	40,000		
Chili.....	1,000	Total	208,881

Bringing together these various results, we find an approximating estimate of the number of negroes and their descendants on the Western Continent in the following table:

Number of negroes and their descendants in the Western Hemisphere in the year 1860.

United States.....	4,435,700
English, French, Dutch, Danish, and Swedish West Indies, including Gulana.....	1,100,000
Spanish West Indies.....	787,500
Island of Hayti.....	755,000
Empire of Brazil.....	4,200,500
The rest of South America and in Central America.....	203,881
Canada	20,000
Total.....	11,502,540

The total somewhat exceeds 11,500,000; but seeing that after diligent search we have been compelled to make up our estimates, especially for South America, from scanty materials, and desiring to put forth no argument founded on exaggerated data, and therefore not to underestimate the remnant remaining alive as descendants and representatives of the negroes brought to America from Africa, we add a quarter of a million to the sum of our estimate, and will assume the number of negroes and their descendants in the Western Hemisphere in 1860 to have been 11,812,540 souls. This is, beyond question, not an underestimate of the actual number left.

What is the conclusion, then, at which we are forced to arrive?

The 15,500,000 of poor wretches who were sentenced by the slave-trade to transportation and slavery in foreign lands are now, after three centuries of servitude, represented in those lands by less than four-fifths of their original number.

^aHistorie du Paraguay, par Demersey, 1800, Tom. 1, p. 374. "Quelques nègres, en très petit nombre."

^bMedical Topography of Brazil and Uruguay, by G. R. B. Hornér, surgeon, U. S. Navy p. 184.

^cFor the statistics of the negro population of South America alone we have examined upward of 150 volumes.

When we consider the tendency to natural increase in human beings which has gradually swelled the population of the world to its 800,000,000 or 1,000,000,000, the above statement as it now stands must be confessed to embody a terrible condemnation of that system which, as to a population half as large as that of the United States, not only arrested for eight or ten generations of men the operations of one of the great laws of the world, but without the life-destruction of war, *a* without the deadly agencies of pestilence or famine, not, as we sometimes express it, by the visitation of God, but by the sole operation of man's crime, and the misery thence resulting, produced a retrogression of numbers at a ratio which, had it spread over the habitable earth, would have extinguished in a few centuries all human existence. But the matter has been very imperfectly presented yet. The actual results were far more fatal than the simple statement we have given serves to indicate. To obtain an accurate and intelligible view of these results we must separate the 15,500,000 of expatriated Africans into two portions, and trace out the separate destiny of each.

More than a third of the present representatives of these 15,500,000 inhabit, it will be observed, the United States; less than two-thirds are scattered over the West Indies, Central and South America. But what proportion, let us inquire, of the negroes shipped to slavers from Africa were the progenitors of the present colored population of the United States, and what proportion went to the West Indies and to Southern America?

Here, as in our previous calculation, though the materials be insufficient for absolute accuracy, we can approximate the truth.

In the report of the Lords of Council, so often already referred to, there is but one table bearing on the subject *b*. It exhibits the exportation of negroes from the West Indies (then the principal place of their deposit and sale) for five years, namely, from 1783 to 1787, both inclusive, showing that in these five years, out of 20,773 negroes exported to all parts, 1,392 went to the "States of America;" that is, only about one-fifteenth of the whole, or 278, annually.

Since so small a proportion out of the whole export was directed to the United States, it is evident that the demand for slaves at that time could not have been great; nor do we find throughout the report any allusion to a direct trade by slavers from the African coast to the continental colonies. Of course it existed, but evidently not to a large extent. The public opinion, as well as the legislation, of the colonies had uniformly been against it. *c*

a There was, indeed, the war in Hayti, which terminated in 1804 in independence. But the loss of life consequent thereon has been far more than made up by the natural increase of the population of Hayti since it became free. Humboldt calculated the population in 1802 at 350,000; and after the death of Dessalines, the first Emperor, it was rated at 400,000. (Notes on Hayti, heretofore cited, Vol. 2, p. 110.) It has since nearly doubled.

b Lords of Council Report, Part IV, Table No. 4.

c The agency of the British Government in fastening slavery upon the continental colonies is well known. Bancroft has placed it distinctly on record:

"The inhabitants of Virginia were controlled by the central authority on a subject of vital importance to themselves and their posterity. Their halls of legislation had resounded with eloquence directed against the terrible plague of negro slavery. Again and again they had passed laws restraining the importation of negroes from Africa; but their laws were disallowed. How to prevent them from protecting themselves against the increase of the overwhelming evil was debated by the King in council, and, on the 10th day of December, 1770, he issued an instruction, under his own hand, commanding the Governor, 'under pain of the highest displeasure, to assent to no law by which the importation of slaves should be, in any respect, prohibited or obstructed.' In April, 1772, this rigorous order

"The English continental colonies," says Bancroft, "were, in aggregate, always opposed to the African slave-trade. Maryland, Virginia, even Carolina, alarmed at the excessive production consequent low price of their staples, at the heavy debts incurred the purchase of slaves on credit, and at the dangerous increase of colored population, each showed an anxious preference for the introduction of white men; and laws designed to restrict importation of slaves are scattered copiously along the records of colonial legislation. The first Continental Congress which took to itself powers of legislation gave a legal expression to the well-formed opinion of the country by resolving (April 6, 1776) 'that no slaves be imported into any of the thirteen United Colonies.'"^a As to the number of slaves actually imported during colonial days, the same historian says:

It is not easy to conjecture how many negroes were imported into the English continental colonies. The usual estimates far exceed the truth. Climate in itself is of opinion to oppose the introduction of them. * * * From the fact they appear to have increased, though, owing to the inequality of the sexes, rapidly in the first generation. Previous to the year 1740 there may have been introduced into our country nearly 130,000; before 1776 a few more than 300,000.

The Duke de Rochefort and the Marquis de Liancourt, who traveled in the United States in 1795, says: "Nearly twenty vessels from the harbors of the United States are employed in the importation of negroes to Georgia and to the West India Isles." The duke designates the merchant

as was solemnly debated in the Assembly of Virginia. "They were very anxious to pass an act to restrain the introduction of people, the number of whom already in the colony gave them just cause to apprehend the most dangerous consequences. * * * Virginia resolved to address the King himself, who in 1773 had earnestly compelled the toleration of the nefarious traffic. They pleaded him for leave to protect themselves against the nefarious traffic, and these were the words:

"The importation of slaves into the colonies from the coast of Africa hath been considered as a trade of great inhumanity, and, under its present enormity, we have too much reason to fear, will endanger the very existence of Your Majesty's American dominions. We are sensible that some of Your Majesty's subjects in Great Britain may reap emolument from this sort of traffic; but we consider that it greatly retards the settlement of the colonies with more useful inhabitants, and may in time have the most destructive influence, we pray to hope that the interest of a few will be disregarded when placed in comparison with the security and happiness of such numbers of Your Majesty's dutiful subjects.

"Deeply impressed with these sentiments, we most humbly beseech Your Majesty to remove all those restraints on Your Majesty's governors of this country which inhibit their assenting to such laws as might check so very pernicious commerce."

"In this manner Virginia led the host who alike condemned slavery and opposed the slave-trade. Thousands in Maryland and New Jersey were ready to assent to a similar petition; so were the Legislatures of North Carolina, of Pennsylvania, New York, Massachusetts, in its towns and in its Legislature, unceasingly bated the holding as well as the sale of slaves. There was no jealousy among them in the strife against the crying evil. Virginia harmonized all opinion and represented the moral sentiment and policy of them all. When her petition reached England, Franklin, through the press, called to it the sympathy of the people. Again and again it was pressed upon the attention of the ministers. The Government of that day was less liberal than the tribunals; and while a petition respecting a negro from Virginia led the courts of law to an axiom, that soon as any slave sets his foot on English ground he becomes free, the King of England stood in the path of humanity and made himself the pillar of the slave-trade. Wherever in the colonies a disposition was shown for its restraint, servants were peremptorily ordered to maintain it without abatement."

(Bancroft's History of the United States, Vol. 6, pp. 413, 414, and 415.)

In the entire history of Great Britain there is scarcely a more disgraceful page.

^a Bancroft's United States, Vol. 3, p. 411.

^b Bancroft's United States, Vol. 3, p. 407.

Rhode Island as the conductors of what he calls the "accursed traffic," which they "are determined to persevere in till the year 1808," the period fixed by the constitution when it is permitted to abolish it; but, he observes, "they ship only one negro for every ton of the burden of their vessels, which, moreover," he adds, "are small ones."^a The tables given in the Lords of Council Report show that a considerable portion of the slavers in those days were but of a 100 tons burden. This was probably the capacity of the Rhode Island slavers. If so, the number of slaves annually carried by each was 100 only; making, in all, an annual importation by them of 2,000 slaves. But a portion of these went to the West Indies—another proof, it may be remarked, that the demand at home was not great. On the other hand, slaves may have been imported in English bottoms; some were in Dutch; and it is true, as already stated, that a few hundred slaves were annually brought from the West Indies.

Upon the whole, it seems a high estimate to put the annual importation, for some years after the close of the Revolutionary War, at 3,000. During that war, as commercial intercourse with foreign nations was almost wholly suspended, few or no slaves could have been imported, and the trade was probably resumed but gradually after the war. From 1776 to 1790 there were only six years when the trade could be considered open. If we estimate that 2,500 were imported during each of these six years, we have 15,000 as the importation from 1776 to 1790.

Let us suppose Bancroft's "a few more than 300,000" to mean 310,000, and we have the total number of slaves imported into the United States up to the year 1790, as follows:

Up to the year 1770.....	310,000
From the year 1776 to the year 1790.....	15,000
Total imported up to 1790.....	325,000

At this point we emerge, in a measure, into light. The census commences. We know that the colored population of the United States in 1790 was 757,363, of whom 59,466 were free. The 325,000 that had been imported were in that year represented by 757,363. The colored population of the United States had already considerably more than doubled itself by natural increase.

At the end of the next decade—that is to say, in the year 1800—this population was 1,001,436, having increased in ten years at the rate of about 32½ per cent.

How much of this accession was due to natural increase and how much to slave-trade importation?

The rate of increase among the colored population of the United States has been, by the census, as follows:

In the decade from--	Per cent.
1790 to 1800.....	32.23
1800 to 1810 (slave-trade ceases).....	37.58
1810 to 1820.....	28.58
1820 to 1830.....	31.44
1830 to 1840.....	23.41
1840 to 1850.....	26.02
1850 to 1860.....	21.90

During the first decade, in which there was no disturbing element by importation of slaves, to wit, from 1810 to 1820, the rate of increase

^a Travels by the Duke de Rochefoucault Liancourt, Vol. 2, p. 293 (of English translation).

was 28.58; during the next decade, 31.41. Let us assume the former as the rate of natural increase from 1790 to 1800. Deducting it from the actual increase during that period, namely, 32.23, we have the remainder of $3\frac{2}{3}$ per cent. as the increase from Africa. That will give 27,770 as the number of slaves imported in the ten years 1790 to 1800, or at the rate of 2,777 a year.

In the next decade, eight years of which only were open to importation, that importation appears to have greatly increased. The colored population amounted by the census of 1810 to 1,377 exhibiting an increase in the decade at the rate of 37.58 per cent. as before, we rate the natural increase at 28.58, we shall have cent. on 1,001,436 (that is to say, 90,123) of accession to the population in question, due to other causes than natural increase. But during this decade, to wit, in 1803, Louisiana, purchased from France became a part of the Union, and her colored population, free slave, added 42,245 to the census returns of 1810. Deduct this amount from 90,123, and we have 47,884 as the number of slaves that have been directly imported into the United States in the eight years from 1800 to 1808, being at the rate of 5,985 a year. The rate of importation was evidently increasing with rapidity. Fortunately it is for our country and for the cause of humanity that Congress availed itself of the constitutional provision which permitted, in 1808, the prohibition of the slave-trade.

Another item remains to be determined ere we can complete our estimate of importation. Of the colored population which Louisiana brought into the Union, what proportion may we properly ascribe to the slave-trade and what proportion to natural increase? The total number at the date of purchase appears to have been 60,000.^a To supply this number, how many had probably been imported under colonial rule?

Except as to difference of nationality in her owners, Louisiana was in 1803 was not differently situated from the Southern States of the Union. Part of the same continent, continuous in her boundaries, with similar climate and general condition, there is no good reason to suppose that the natural increase of her colored population had been at a rate much lower than ours.

^a By an accurate census of Louisiana taken in 1785 the total population was 28,537, of whom about 14,000 were slaves and 14,000 free colored. From that time there seems to have been no separate authentic census of the colony until one made in 1803 by the consul of the United States at New Orleans, under the authority of the Department of State. From the best documents he could obtain, he estimated the total population at 49,473, but without separating whites and blacks. *History of Louisiana from the Earliest Period*, by François Xavier Martin, New Orleans, 1827, Vol. II, pp. 77, 78, and —.)

Other authorities put it higher, as Maj. Amos Stoddard, in his *Sketches, Historical and Descriptive, of Louisiana*, p. 226. He admits that there are no data to determine the population in 1803, but estimates 50,700 whites and colored; together, upward of 93,000. This, however, is clearly an overestimate. Our own official census of 1810 makes the entire population of Louisiana at that time but 76,556. At first sight the consul's estimate of 49,473 seems to be correct, since, if it be not, 50 per cent. was added to the population in the seven years 1803 to 1810. This would seem improbable, but for the remarkable fact that the entire population of Louisiana (chiefly, of course, by immigration from the States in the Union and from Europe) doubled in the next decade, amounting in 1820 to 152,923. As a medium term between these conflicting authorities we assume the entire population in 1803 to be 60,000, of whom half were colored. This agrees with Mr. Carey's estimate. Speaking of the colored population, Mr. Carey says: "Nearly 80,000 were found in Louisiana at her incorporation into the Union. *The Slave-Trade, Domestic and Foreign*, p. 17.)

But in 1800 our colored population had very nearly trebled its original numbers. Let us suppose (to avoid the chance of overestimate) that in 1803 the slaves and free colored people of Louisiana had only doubled in number as compared to their African descendants. That would give us 15,000 as the number imported into that colony up to the time when it became part of the United States.^a

Summing up these various items, we have the total number of slaves imported into the United States up to the date of the abolition of the slave-trade, as follows:

Up to 1790, as before	325,000
From 1790 to 1800	27,770
From 1800 to 1810	47,884
Imported into Louisiana previously to her purchase from France	15,000
Total slaves imported into the United States.....	415,654

It is to be observed that this is an estimate, not of the slaves that were exported from Africa destined to the United States, but of those that were actually landed there. If the loss on the voyage was, as we have estimated, 20 per cent., the above 415,654 negroes represent about 520,000 shipped on the African coast, whether directly for this country or coming by way of the West Indies, since 520,000 less 20 per cent. is 416,000.

If the statement of the Duke de Rochefoucault,^d that the Rhode Island slavers carried but one negro for each ton burden, may be relied on, the average mortality on board slave ships bound to North America was likely to have been less than 20 per cent. It would, probably, be safe to estimate that out of 500,000 negroes shipped from Africa, the number above estimated to have reached us may have been landed.

Referring now to our estimate of the number of slaves taken from the African coast during the three centuries and a half of the slave-trade, namely, 15,520,000, we may assert, in round numbers, that half a million of these went to our own country, chiefly during its colonial existence, and 15,000,000 to the West Indies and to South and Central America.

^a We ought here, in strictness, to add that proportion of the slave and free colored population of Texas at the time of her admission, which may be supposed to have been due to the African slave-trade. But, in the first place, it was small, a very large proportion of the total (it was about 58,500 in 1850, five years after annexation) being undoubtedly due to natural increase; secondly, we cannot tell how many slaves may have been taken thither from the United States; and, lastly, it is more than offset by the fugitive colored population of Canada and the colonized population of Liberia, neither of which enter into the U. S. census, though both go to increase the total to which the 500,000 slaves shipped in Africa for the United States had actually swelled in 1860.

^b An industrious and painstaking author, accustomed to statistics, makes the total one-fifth less than this. Mr. H. C. Carey, in his *Slavery, Domestic and Foreign*, Philadelphia, 1853, p. 18, after furnishing his reasons for each separate estimate, sums up as follows:

Prior to 1714.....	30,000	From 1771 to 1790.....	34,000
From 1715 to 1760.....	60,000	Subsequent to 1790.....	70,000
From 1761 to 1770.....	35,000		
From 1771 to 1779.....	74,500	Total number imported up to 1808..	333,500

We think Mr. Carey has estimated the rate of natural increase in early days, say from 1714 to 1770, too high, not allowing for the effect, then sensibly felt, of that disproportion between the sexes incident to the slave-trade, to which we shall hereafter have occasion to advert.

^c See p. 71 [307], *ante*.

^d See p. 120 [320], *ante*.

We have now the means of answering the following question: What became of each of these two so unequal divisions of this emaciated people? What has been the respective destiny of each?—are they now represented? The answer involves results so extraordinary, at first sight so incredible, and in effect, even when thoroughly examined, so difficult of satisfactory explanation, that we devoted much time and labor to the critical revision of the material whence our conclusions are drawn before venturing to place them on record.

This is the answer: The 500,000 shipped for North America increased nearly ninefold, being represented in 1860 by a population exceeding 4,400,000, while the 15,000,000 sent to the West Indian colonies and to Southern America have diminished from age to age; they are represented now by less than half their original number.

How marvelous, beyond all human preconception, are these results! Had the 15,000,000 whose lot was cast in the southern portion of our hemisphere increased in the same proportion as the 500,000 who were carried to its northern continent, their descendants, instead of dwindling to half, would have been to-day a multitude numbering more than 130,000,000 of men.

What is the explanation of this startling marvel? Is it to be ascribed solely to the greater humanity with which the negroes of the United States have been treated as compared with those of other countries?

A little research will show us that there were other causes in addition to produce these strange results—causes wholly due to the fact that the slave-trade to the United States was brief in its duration and unimportant in its operations compared to the slave-trade to the Indies and South America.

But wherever the operations of the slave-trade are of great magnitude the effect is to check the natural increase of the slave population on plantations.

In the first place, it introduces an unnatural element into the calculation which it is proper here to set forth; and to this element a portion of the decrease in the negro population of the countries to which our estimates extend is indisputably to be ascribed.

The abnormality referred to is the uniform practice of dealers in selecting cargoes of negroes on the African coast, to purchase a considerably larger proportion of males than females. All the writers agree in the fact, though they differ as to the motive. Some think that it was more difficult to procure salable women than men, and

^a Those who may be tempted to object to this latter calculation, as based on approximating estimates, would do well to bear in mind that it is fully out by another calculation, already given (pp. 79, 80, 81 [800, 810], *ante*), and is based upon official tables alone—a calculation covering a period of seven years in the last century and extending to the entire negro population of the largest English West India colony, Jamaica; throughout these seventy-four years the results, in condensed view, being as follows:

Negroes in Jamaica in 1702.....	407, 76
Negroes imported from 1702 to 1775.....	137, 01
Did not export from 1702 to 1775.....	

Leaving in the island imported slaves.....

Total in 1775, if the population had been stationary.....

But the actual population in 1775 was 102,787, showing a reduction in three quarters of a century in the negro population of Jamaica of more than one

ing this to various causes; as, to the prevalence of polygamy in Africa; to the fact that there were fewer female criminals than male criminals; also, that as to the chief offense for which criminals were sold to slavery, namely, adultery, "it was sometimes pardoned in the women, but never in the men."^a

Other witnesses, however, affirm that there was no difficulty in procuring as many female slaves as males. Mr. Eldred, captain of a slaver from Rhode Island, testifies:

Female slaves can be procured on the coast with more facility than male slaves.^b

The true motive is probably given by a slave surgeon, Mr. Falconbridge, who deposes:

On the coast of Africa the captains of slave ships never wish to purchase more than one-third females. The planters in the West Indies, in many cases, prefer males, because they lose the labor of a female in the latter end of pregnancy, and for a little time afterward.^c

Most of the witnesses state the usual proportion between the two to be three males for one female. The Rev. Mr. Newton says:

The number of male slaves purchased usually exceeded that of the females in the proportion of four to three, and sometimes of two to three.^d

The exact average proportion appears to have been between these two rates. In the report of the Jamaica House of Assembly, already quoted from,^e in which this disparity in the number of the sexes is adduced as a chief cause of the decrease in their slave population, tables are given showing the exact proportion in the case of 49,135 negroes imported by the chief negro factors into Kingston from 1764 to 1788. Of these, 30,636 were males and 18,539 were females, the relative proportion being, as nearly as may be, five males to three females. Of each 1,000 negroes imported then, there were, on the average, 625 men and 375 women. Each 1,000, therefore, was only equal, so far as power of reproduction was concerned, to a population of 375 men and 375 women; in other words, to a normally constituted population of 750.

It follows that, as to any given West Indian or other slave population, kept up by constant supplies through the slave-trade, we must deduct 25 per cent., or, in other words, take three-fourths only of its nominal amount on which to estimate its power of natural increase.^f

To this extent, then, it is to be confessed that the decrease of population in the West Indies and South America is not to be wholly ascribed to the more cruel treatment or more oppressive labor to which the slaves were subjected by the planters, but to the policy pursued by the African slave-traders in selecting their human cargoes.

That such a disturbance of a great natural law must have produced immoral results in an aggravated form cannot be doubted. As little

^a Testimony of Mr. Miles, Lords' Report, Part I, Sheet O. Mr. Weaver, same page, says: "Few women are sold for any other crime than adultery, and that is very often forgiven them."

^b Lords' Report, Part I, Sheet N 6.

^c *Ibid.* Mr. Falconbridge made five voyages as surgeon.

^d *Ibid.*

^e P. 68 [807], *ante*.

^f The committee of the Jamaica House of Assembly, from whose report the above is extracted, fell into a remarkable error. They deducted from the whole number imported two-fifths, "to bring the sexes to an equality;" that would be 40 per cent., reducing each 1,000 to 600. But as each 1,000 contained 375 women, it was evidently equal, in power of reproduction, to a population of 375 men and 375 women; in other words, to an ordinary population of 750.

doubtful is it that this immorality was carried to an excess, which still further diminished the rate of natural increase.

As, however, it must be supposed that the slave-traders brought to the market precisely the assortment of cargo which they found the most salable, the above abuse is chargeable indirectly to the planters themselves. Had they desired on their plantations an equal number of each sex, the slave-dealer would doubtless have found means to supply it.^a

The slave-trade had another still more sinister influence. It is beyond a doubt that wherever that trade prevailed it tended directly to aggravate the condition and to shorten the lives of the plantation slaves. This happened because it increased the temptation to cruelty and overwork. An author who resided twenty years in Brazil, and who has dealt tenderly with slavery, confesses:

Until 1850, when the slave-trade was effectually put down, it was considered cheaper, on the country plantations, to use up a slave in five or seven years, and purchase another, than to take care of him. This I had, in the interior, from native Brazilians, and my own observation has confirmed it. But since the inhuman traffic with Africa has ceased the price of slaves has been enhanced, and the selfish motive for taking greater care of them has been increased.^b

Of the two influences to check population above indicated as flowing directly from the slave-trade, the first, connected with the disparity in the numbers of the sexes, is totally insufficient to account for the unexampled decrease in the 15,000,000 of slaves sent to the Gulf and to South America. Suppose that entire population when it left the shores of Africa to have been in the proportion of five men to three women, its power of natural increase would have equaled only that of a normally constituted population of 11,250,000. But had the slaves in question actually numbered but 11,250,000, and had they increased in the same proportion as the 500,000 shipped for the United States have done, the census return of their descendants to-day would have been 93,000,000—more than three times the population, white and black, of the United States.

The immoral influence of the disparity in the relative numbers of the sexes already alluded to and its tendency to check population is here to be taken into account. But that disparity prevailed among imported negroes only, and did not, of course, extend beyond the first generation. Unquestionable as the tendency of the influence in question was to diminish the rate of natural increase, we can receive it only as a partial element not seriously affecting the general result. Thus the marvelous variance in the fate of the two divisions of negro immigrants is not explained, though the exact figures are varied by the disproportion of the sexes in these immigrants.

As to the second influence growing out of the temptation gradually to work to death laborers who can be replaced any day by fresh purchases, it is hard to believe that it should have exerted over human

^a Many of the largest and best sugar estates on the island of Cuba belong to the different ecclesiastical orders. Under the mask of discouraging a vicious intercourse of the sexes, some of them religiously resolved to purchase only male negroes—a devout austerity which would appear to have originated in the idea that men can do more work than women. Deprived of connections resulting from one of the chief laws of nature, and driven to desperation, the unhappy negroes, not unlike the first Romans, have been known to fly to the neighboring estates, seize on the women, and carry them off to the mountains. (History of the Maroons, by R. C. Dallas, London, 1803, Vol. 2, p. 69.)

^b Brazil and the Brazilians, by the Rev. D. P. Kiddier, D. D., and the Rev. J. C. Fletcher, 1857. It is Mr. Fletcher who writes the above.

rapidity so terrible a sway as to cause the reduction to 7,500,000 of men of a population which, had they been treated and had they thriven but as well as the slaves of the United States, would have numbered to-day 98,000,000 of souls.

Climate may have had something to do in working out the ultimate results. Yet there is no evidence to show that the climate of the West Indies and of Brazil is less suited or more fatal to the negro race than that of our slave States. A more influential circumstance, especially in the West India Islands, was the habitual absenteeism of many of the proprietors. The slaves were left at the mercy of overseers, often uncultivated and mercenary, who had no interest in their preservation so long as those who died could be profitably replaced by what were called "new negroes." Most of these overseers were unmarried men; and writers on the condition of the colonies frequently allude to the fact that, when this was the case, the lack of female care and consideration forethought, as regarded the slave mothers and children, had a very considerable influence in diminishing the population.

Upon the whole, however, it must be confessed that while the general facts in this case are indisputable the explanations we have been able to offer seem inadequate to account for the extraordinary results we have disclosed.

But the lesson taught to mankind by this stupendous crime is far beyond the marvel of its results. Four years ago that lesson was in part foreshadowed only and could not have been fully read. To-day it is written in terrible characters all over the history of our country. Four years ago it might have been said, with a certain plausibility, that the experiment of human slavery had two phases—the phase of failure and the phase of success.

With a certain plausibility only, it is true, there has been success in this country, so far as the mere physical increase of the slave population can attest the fact—no further. But population has increased in the world in spite of ceaseless wars—in spite of constant vice and misery. It increased in famine-stricken Ireland. It increased in England throughout the term of that feudal system which made of the island one great military camp. It increased in France throughout the centuries of that old régime, of which the insufferable iniquities were at last requited by popular vengeance, and culminated in the first Revolution. It is to be admitted, however, that an annual increase from natural causes alone of 2½ to 3 per cent., prevailing throughout a term of years in any population (as among the slaves of the United States from 1810 to 1830), indicates that they have not been subjected to the extremity of hardship which marks the fate of negro slaves in other portions of this hemisphere. And as, even to the present day, the rate of natural increase among slaves in this country has been considerable, it may be fairly inferred that slavery in the United States, even in its latter and severer phase, has been, as a general rule, more merciful and lenient than in the West Indies and South America. It will probably be claimed, in addition, that it indicates a very considerable amount of physical comfort and well-being. But any such admission would convey a false impression in regard to the actual condition of the slave, especially in the cotton and sugar States. The investigations of the Commission, personal and from testimony, thoroughly convince them that the statements made in their preliminary report as to the condition of the slave population of South Carolina, apply substantially to that of Georgia, Ala-

anna, Mississippi, Texas, and Arkansas, and, with no very considerable modifications, to Florida, to a few portions of North Carolina, and to the western half of Tennessee. We repeat here, as applicable to the States above named, that which, antecedent to more general examinations, we had predicated only of South Carolina:

This is one of the States in which the system of negro slavery seems to have reached its furthest development with the least modification from contact with external civilization. There it appears to have run out nearer to its logical consequences than in any other we have visited. There it has been darkening in its shades of inhumanity and moral degradation from year to year, exhibiting, more and more, increased cruelty, a more marked crashing out, in the case of the negro race, of the humanizing relations of civilized life, and a closer approach, in practice, to a monstrous maxim; the same which a Chief Justice of the Supreme Court, perverting history, alleges to have been the sentiment of the civilized world when the U. S. Constitution was adopted, and in the spirit of which he assumes (in virtue of such perversion) that Constitution to have been framed, namely, that "the negro has no rights which the white man is bound to respect."^b The evidence before the Commission shows that half a century ago its phase was much milder than on the day when South Carolina seceded. It is the uniform testimony of all emancipated South Carolinian slaves above the age of sixty that their youth was spent under a state of things which, compared to that of the last thirty years, was merciful and considerate. As a general rule, these old men are more bright and intelligent than the younger field hands, in many of whom a stolid, sullen dependency attests the stupefying influence of slave-driving under its more recent phase.

The disintegration of the family relation is one of the most striking and most melancholy indications of this progress of barbarism. The slave was not permitted to own a family name; instances occurred in which he was flogged for presuming to use one. He did not eat with his children or with their mother; "there was no time for that." In portions of this State, at least, a family breakfast or dinner table was a thing so little known among those people that ever since their enfranchisement it has been very difficult to break them of the life-long habit that each should clutch the dish containing his portion and skulk off into a corner, there to devour it in solitude. The entire day, until after sunset, was spent in the field; the night in huts of a single room, where all ages and both sexes herded promiscuously. Young girls of fifteen, some of an earlier age, became mothers, not only without marriage, but often without any pretense of fidelity to which even a slave could give that name. The church, it is true, interposed her protest; but the master, save in exceptional cases, did not sustain it, tacitly sanctioning a state of morality under which ties of habitual affection could not assume a form dangerous or inconvenient to despotic rule.

The men, indeed, frequently asked from their masters the privilege of appropriating to themselves those of the other sex. Sometimes it was granted; sometimes—when the arrangement was deemed unprofitable—it was refused. Some cases there were in which a slave-holder, prompted by his own sense of morality or religion, or urged thereto by a pious wife, suffered those connections of his slaves to have the sanction of religious ceremony. But it is evident that to connect even with such a quasi marriage the idea of sacredness or religious duty was inconsistent with that legal policy of the slave States which forbade to render indissoluble among slaves a relation which to-morrow it might be for the interest of their owner to break up.

The maternal relation was often as little respected as the marital. On many plantations, where the system was most thoroughly carried out, pregnancy neither exempted from corporal punishment nor procured a diminution of the daily task; and it was a matter of occasional occurrence that the woman was overtaken

^a We do not here include Louisiana because the phase of slavery in that State is set forth in detail in Supplemental Report B, herewith submitted.

^b *Dred Scott vs. John F. A. Sandford*, December term, 1856, 23 Howard, 407.

^c Another of my visitors had a still more dismal story to tell. Her name was Die. She had had sixteen children, fourteen of whom were dead. She had had four miscarriages; one had been caused from falling down with a very heavy burden on her head, and one from her arms strained up to be lashed. I asked her what she meant by having her arms tied up. She said their hands were first tied together, sometimes by the wrists, and sometimes, which was worse, by the thumbs, and they were then drawn up to a tree or post, so as almost to swing them off the ground, and then their clothes rolled round their waist, and a man with

by the pains of labor in the field, and the child born between the cotton rows. Humane masters, however, were wont to diminish the task as pregnancy advanced, and commonly gave three, occasionally four, weeks' exemption from labor after childbirth. The mother was usually permitted to suckle her child during three months only; and the cases were rare in which relaxation from labor was allowed during that brief period. On the other hand, instances have occurred in which the more severe drove the negress into the field within forty-eight hours after she became a mother, there to toil until the day of the next birth.

A noble exception, among others, to such a system of inhumanity, gratefully testified to by the negroes who enjoyed it, was to be found on the plantation of ex-Governor Aiken, one of the largest and most influential planters in the State. His habitual clemency, it is said, gave impulse to many of his neighbor planters as endangering their authority under a severer rule.

Under such a slave system as this, where humanity is the exception, the iron enters deep into the soul. Popular songs are the expression of the inner life; and the negro songs of South Carolina are, with scarcely an exception, plaintive, despondent, and religious. When there mingles a tone of mournful exaltation, it has reference to the future glories of Zion, not to worldly hopes.

If to the above details touching slave life in this State we add the fact that because of the unhealthy climate of the sea islands off the South Carolina coast (chiefly due, it is said, to causes which may be removed), the least valuable and intelligent slaves were usually placed there; further, that being much isolated in small communities, these slaves frequently had children of whom the father and mother were near blood relatives, producing deterioration of the race, it can excite no surprise that the negroes of South Carolina as a class are inferior to those from more northern States. An intelligent negro from a northern county of North Carolina, who had there learned the blacksmith's trade and had been hired to work on a railroad in South Carolina, stated to the Commission that he never knew what slavery really was until he left his native State. While there he was comparatively contented. Within a month after he reached South Carolina he determined to risk his life in an attempt to escape.

To judge whether a natural increase of population is necessarily connected with physical comforts, it behooves us to look to the interior slave life of the South, to the motives which encourage such increase, and to the conditions which attach to it. We find these well set forth by one who had the best opportunities to observe, having resided some five months on her husband's plantation in Georgia, and being in the habit of recording from day to day events as they occurred. It is doubtful whether there has been presented to the public in modern times a more authentic or more faithful chronicle of every-day life in the cotton States than is to be found in the journal from which our extract is taken. The writer had been conversing with a negress who had formerly been a favorite house servant, and thus proceeds:

She named to me all her children, an immense tribe; and, by the bye, E—, it has occurred to me that, whereas the increase of this ill-fated race is frequently adduced as a proof of their good treatment and well-being, it really and truly is no such thing, and springs from quite other causes than the peace and plenty which a rapidly increasing population are supposed to indicate. * * * Peace and plenty are certainly causes of human increase, and so is recklessness. Here it is more than recklessness, for there are certain indirect premiums held out to obey the early command of replenishing the earth, which do not fail to have their full

a cowhide stands and stripes them. I give you the woman's words. She did not speak of this as anything strange, unusual, or especially horrid and abominable; and when I said, "Did they do this to you when you were with child?" she simply replied, "Yes, missis." * * * I gave the woman meat and flannel, which were what she came for, and remained, choking with indignation and grief, long after they had all left me to my most bitter thoughts. (Journal of a residence on a Georgian plantation in 1838-39, by Frances Anne Kemble, p. 200.)

Mrs. Kemble says, elsewhere in her journal, "Never forget in reading the details I send you, that the people on this plantation are well off, and consider themselves well off, in comparison with the slaves on some of the neighboring estates."

effect. In the first place, none of the cares—those noble cares, that holy thoughtfulness, which lifts the human above the brute parent—are ever incurred here, either by father or mother. The relation, indeed, resembles, so far as circumstances can possibly make it so, the short-lived connection between the animal and its young. * * * But it is not only the absence of the conditions which God has affixed to the relation which tends to encourage the reckless increase of the race; they enjoy, by means of numerous children, certain positive advantages. In the first place, every woman who is pregnant, as soon as she chooses to make the fact known to the overseer, is relieved from a certain portion of her work in the field, which lightening of labor continues, of course, as long as she is so burdened. On the birth of a child certain additions of clothing and an additional weekly ration are bestowed on the family, and these matters, small as they may seem, act as powerful inducements to creatures who have none of the restraining influences actuating them which belong to the parental relation among all other people, whether civilized or savage. Moreover, they have all of them a most distinct and perfect knowledge of their value to their owners as property; and a woman thinks, and not much amiss, that the more frequently she adds to the number of her master's live-stock by bringing new slaves into the world the more claims she will have upon his consideration and good will. This was perfectly evident to me from the meritorious air with which the women always made haste to inform me of the number of children they had borne and the frequent occasions on which the older slaves would direct my attention to their children, exclaiming, "Look, Missis; lit de niggers for you and Massy; plenty little niggers for you and little Missis." *a*

We have had abundant evidence of the correctness of the view here taken. General Saxton, for example, deposes:

Question. Were the women, under the slave system, taught chastity as a religious duty?

Answer. No, sir; they were taught that they must have a child once a year.

The prohibition against suckling their children longer than three months is part of the same system. *b* The result is that the slave families are usually very numerous. We found in South Carolina, among the freedmen, several instances in which the mother had had twenty children and upward in as many years. The result is disclosed, beyond possible denial, throughout Mrs. Kemble's graphic volume. Excessive child-bearing, coupled with ceaseless toil—an interval of three weeks only being allowed after childbirth—these are conclusively shown to have been the source of shocking diseases and terrible suffering to the female slaves. *c*

The argument to be deduced from the great natural increase of the slave population in the United States would be much stranger than it is had the ratio of increase, as it was during the two first decades after the abolition of the slave-trade, been kept up to the present day.

But it has not been kept up. We have already had occasion, in the extract cited from the preliminary report of the Commission, to advert to the fact that the system of slavery among us has been

a Journal of a Residence on a Georgian Plantation in 1838-39, by Frances Ann Kemble, New York, 1863, pp. 59, 60.

b Among the witnesses whose testimony is given in the Report of the Lords in Council are several physicians residing in the island of Jamaica. One of these Adam Anderson, of the parish of Saint Ann, testifies: "Great losses are sustained in the increase of negroes from the length of time the negro women continue their children at the breast—seldom less than two years and many of them more. (Lords' Report, Part III, Jamaica, Appendix No. 7.)

If this habit was common throughout the colonies, its effect, taken in connection with the custom so widely different in our slave States, is to be enumerated among the causes which went to produce the great variance of results as to increase of slave population in the West Indies and in the United States.

c Journal of a Residence in Georgia. (See p. 20, also 39, a very bad case; also pp. 79, 122, 190, 191, 192, 196, 214, 215, 233, 251, with very strong evidence, and many others. The whole work is a most dreary picture, a terrible daguerreotype of what daily negro life was in a cotton State before the war.)

increasing in severity and hardship from year to year, especially for thirty years past.^a A glance at the census shows that statistics confirm what we had deduced from personal observation. From 1830 the rate has been gradually diminishing; for, as the superintendent of the census remarks, "the greater apparent increase among slaves from 1840 to 1850 is connected with the admission of Texas in 1845."^b In these thirty years the ratio of natural increase has diminished over 10 per cent. in the decade, or 1 per cent. a year.

At the same diminishing ratio less than a quarter of a century would have witnessed a state of things under which the slave population would have been annually decreasing. Whether it would have fallen still lower, until, as in Jamaica and other West Indian Islands, the deaths had so far exceeded the births that, in less than a century, half the population would have disappeared, must now ever remain, let us thank God, a matter of conjecture.

The duration of slavery as a system in the United States has been but brief, as compared with its prolonged existence in the West Indian colonies. Here that system had not borne its deadliest fruits. Here, especially for four or five decades after the Revolutionary War, certain features of a patriarchal character tended to alleviate its harshness.

But, in all its various phases, that system which confers on one race the fatal privilege of idleness at expense of forced drudgery imposed upon another race, differs rather in the degree than in the character of its results. Those results are, as a general rule, wherever slavery exists at all, essentially and degradingly evil; evil to the victim of the injustice; evil, as certainly, to the inflictor of it, for there is no human crime that does not recoil on the criminal.

Alike in the slave States of the Union as in the colonies of the West Indies, and in every other land in which the system of slavery prevails, its victims may be said to live deprived, directly or indirectly, of every natural right.

One of the most universal objects of human desire and of human endeavor is the acquisition of property; but the laws of slave States forbid that the slave shall ever acquire any. The holiest of human relations is marriage; but a slave cannot legally contract it. The dearest of human ties are those of family; but a slave may see them broken forever, without redress, any hour of his life. Of all human privileges the highest is the right of culture, of moral and mental improvement, of education; but to the slave the school is forbidden ground—reading and writing are penal offenses. The most prized of personal rights is the right of self-defense; but a slave has it not. He may not resist or resent a blow, even if it endanger limb or life.

What remains to the enslaved race? Life to man? honor to woman? Any security for either? Nominally, yes. Actually, save in exceptional cases, no. In the statute laws against murder or rape the word white is not to be found. Persons of either color appear to

^a See extract from Preliminary Report of the Commission, given at page 148 [328] of this report.

^b Preliminary Report of Eighth Census, p. 7.

^c We have found indications of this in taking the evidence of freedmen, especially in the more northern slave States. Mrs. Wilkinson, a colored woman in Canada West, testified: "I was raised in Winchester, Va. * * * I have seen a good deal of hard treatment of others, but never had any myself. I was brought up like one of the family. I used to call my master 'father' and the old lady 'mother' until I came to this country. That is the way I was raised." This woman was set free by her mistress after her master's death. (Supplementary Report A, on The Refugees from Slavery in Canada West. By one of the Commission. P. 98.)

be equally protected. But among the same statutes in every State of the Union is incorporated a provision to the following similar effect:

A negro, mulatto, Indian, or person of mixed blood, descended from negro Indian ancestors, to the third generation inclusive, though one ancestor of each generation may have been a white person, whether bond or free, is incapable being a witness in any case, civil or criminal, except for or against each other.

As far as regards the two worst crimes against the person, the above provision is the exact equivalent of the following:

Murder or rape by a white person committed against a negro, mulatto, Indian or person of mixed blood, descended from negro or Indian ancestors, to the third generation inclusive, though one ancestor of each generation may have been a white person, shall go unpunished, unless a white person shall have been present and shall testify to the commission of the crime.

The apology for a law according to which a woman cannot testify against the violator of her person, or a son against the murderer of his father, is, that in a community where negro slavery prevails such a provision is necessary for the safety of the white race. The same apology is adduced to justify the taking from the slave the right property, of marriage, of family ties, of education, of self-defense.

The apology may be valid. It may not be possible to force a race to hopeless labor—they and their children after them—from sunrise till sunset, day after day, year after year, till death—thus toil unrequited, save by the coarsest food and clothing, in order that another race may exist in idleness—it may not be possible safely carry on such a system without depriving the laboring race of every right, civil and social, and of every protection to life and property, in which man has been struggling through all the centuries of history.

It may be one of the conditions of safety to the master race, that usurping the labor of their fellows, that some of their own children should be as utterly disfranchised as the imported African. The phraseology of the section we have quoted is very suggestive—"the third generation inclusive, though one ancestor of each generation be white," are the words. The white man makes the law, and his son, his grandson, his great grandson, so that those share to the extent one-eighth the blood of the attainted race, may, whether slave or free, be murdered with impunity, if the murder be not committed in the presence of some one without that eighth of taint. The white man makes the law, and exposes the chastity of his own daughter, fair of skin, it may be, than himself, to brutal outrage, without possibility of bringing the ruffian who commits that outrage to justice, unless the wretch, adding folly to infamy, selects his opportunity when one of his own race happens to be within hearing or sight. These are all the necessary conditions, without which, under the slave system domestic tranquillity cannot be maintained.

Let us assume that in this matter the slave-holder is in the right and that while slavery exists these are his conditions of safety; what then? In what sense, except a blasphemous one, can we pronounce that system to be successful which cannot maintain itself except violation of every principle of justice and virtue which God has implanted in the heart of man, except by the abrogation, as to the entire race of men, of those rights of property, of family, and person, to assert and maintain which, in all ages of the world, good and brave men have willingly sacrificed life?

^a Code of Tennessee, 1858, Sec. 3808, p. 687. We have selected this section from the code of one of the Middle States as a fair average example.

But there are other conditions, not set forth in statute law, with which the existence of slavery is inseparably connected—those, namely, which affect the masters of slaves.

Of all forms of prayer none is more strictly adapted to the nature and the wants of man than this: "Lead us not into temptation." Men, in the mass, cannot be habitually tempted with impunity. It was said of one only that He was tempted like as we are, yet without sin.

But of all human temptations, one of the strongest and most dangerous is that which attends the possession, throughout life, of arbitrary and irresponsible power. As a rule it is always abused. A beneficent despotism is the rarest of exceptions. This is one of the great lessons of history, upon which is based the doctrine of popular rights and the theory of a republican government.

Under no phase of society has the operation of the law which connects sin with ceaseless temptation been more apparent than in States where slavery prevails. One of our greatest statesmen, himself a sufferer under the evils he deprecates, has set forth in strong terms the practical results.

"There must, doubtless," said Jefferson, "be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions—the most unremitting despotism on one part, and degrading submissions on the other. Our children see this, and learn to imitate it, for man is an imitative animal. * * * The parent storms; the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves; and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped with its odious peculiarities. The man must be a prodigy who can retain his manners and his morals under such circumstances."^a

It has been customary to illustrate the influence of slavery on the dominant race by adducing individual examples of barbarous cruelty exercised toward slaves by their masters.^b These might be multiplied indefinitely, but they are less conclusive of the effects inseparable from the system than the picture drawn by Jefferson, the exact truth of which every one familiar with the interior of Southern society will admit.

^a Jefferson's Notes on Virginia, chapter on Customs and Manners, p. 270.

^b A single example from among many that came to our notice may here suffice. It is selected as exhibiting the uncontrolled passion and fearful inhumanity of that spirit, bred by arbitrary and irresponsible power, which could visit with terrible punishment a light and venial offense. It was testified to by an eye-witness, a respectable colored mechanic, Solomon Bradley by name, who was employed for several years on the railroad between Charleston and Savannah.

One morning this witness, going for a drink of water to a house near the line of the railroad, occupied by a Mr. F., heard dreadful screams in the door-yard. Looking through an aperture in the board fence, he saw a woman stretched, face downward, on the ground, her hands and feet bound to stakes. Over her stood her master, Mr. F., striking her with a leathern trace belonging to his carriage-harness. As the strokes fell the flesh of her back and legs was raised in welts and ridges. Occasionally, when the poor creature cried out with insufferable pain, her tormentor kicked her in the mouth to silence her. When he had exhausted himself by flogging, he called for sealing wax and a lighted candle, and, melting the wax, dropped it on the woman's lacerated back. Then, taking a riding-whip and standing over the poor wretch, he deliberately picked off, by switching, the hardened wax. While this scene of torture was acted, Mr. F.'s grown-up daughters were looking on from a window that opened on the yard.

Afterward Bradley made inquiry of the woman's fellow-servants as to what

Slavery breeds imperiousness of manner, impatience of contradiction or delay, ungovernable passion, contempt of labor. While it produces a certain carelessness of wealth and easy profuseness of expenditure, it discourages hardy enterprise in useful fields. Habits of regulated industry are seldom formed within the sphere of its influence, its tendency being to substitute for these indolent fashions of dependence and luxurious self-indulgence. It weakens the supremacy of law, with its sobering and chastening influence, engenders, in young men especially, a spirit of reckless daring, a sort of careless courage that takes little account of human life; a love of violent excitement, sometimes running into military ardor, and evitable to take the form of gambling, or intemperance, or that debasing licentiousness which must needs prevail wherever, in any class or race, female chastity is neither respected by custom nor protected by law.

Hence a state of society in which, with manners often cultivated with an impulsive generosity and free hospitality to equals in station there mingles a certain essential barbarism, which not only shows itself habitually in the treatment of those occupying servile or inferior positions, but also breaks out toward others in bursts of tempers so frequent and violent that the old regulator in ages when force was law, the wager of battle in its modern form of duel, is openly sanctioned by public opinion as a necessary check to social insult or lawless outrage.

These remarks apply in their full force to society as it existed at the time the Southern insurrection declared itself in the States which have designated as those in which the slave system has been fully developed; the States which first rebelled; the States which will be the last to return to their allegiance. No reflecting and dispassionate observer, who has sojourned in any of these States long enough to become familiar with their manners and morals and social conditions will pronounce the view we have taken of the results of slavery to be bitemperate or unfair. From one or other of these results no man or woman born and bred in a slave community, no matter whether they learn to approve slavery or to hate it, can be reasonably expected wholly to escape. It is true as to the Border States, where the tiller estate more frequently assume the aspect of farms than of plantations where the owner and his sons sometimes work along with the slave and even where they do not actually work with them, yet personally superintend their labor so as to recognize and take interest in them as individual human beings—it is true, and should here be stated, as to

crime she had committed, and was told that it consisted in burning the edges of the waffles she had been cooking for breakfast.

"The sight of this thing," the witness added, "made me wild, and I could not work right that day. I prayed the Lord to help my people out of their bondage."

This witness was born and brought up in a northern county of North Carolina where, he said, such cruelty was unheard of. Slaves were flogged there; but, once broke away during the punishment no attempt was made to renew it. What a fearful addition to the atrocities of this scene that the young women were witnesses of the ungovernable rage and savage cruelty of a father! And what must have been the character of the father who could thus expose himself before his children? The least evil that could result was, that it excited within them the detestation of their parent. More probably the influence was brutalizing, deadening in their young hearts the sentiment of humanity, and preparing them to become themselves, in after life, merciless tyrants on the slightest provocation.

Outrages so gross may not have been common, even in North Carolina; but when they did occur they passed unnoticed either by law or by public opinion. What must have been the state of that society in which crimes so grave were committed with utter impunity?

these States, that the phase of slavery there existing is sensibly modified, and is divested more by practice, however, than by relaxation of law of some of its most odious features. On small estates especially, slaves in the Border States often have by sufferance a certain amount of property; continue to live by sufferance as if legally married; are frequently trusted with important charges; are sent to market with cattle or produce; are consulted in regard to the management of the estate.^a Under such circumstances, they are greatly improved by coming into daily contact with white persons, and instances occur in which they are treated by the family with as much consideration as if their skin exhibited no tinge of African blood.

In these States the chief aggravation of the system is the interstate slave-trade; the forcible separation of families to fill up those melancholy gangs, assorted like droves of cattle, and whose destination is to that mysterious and undefined land, the terror of the border negro, known to him only as "down South."^b

But even under this comparatively moderated phase of slavery, the inherent injustice of the system exhibits itself in the character of the very indulgences, which in other slave States are forbidden by law.^c In visiting the colored population of Louisville this presented itself in a marked manner to the notice of the Commission. We found living there many slaves who, as the usual phrase is, "had hired their time." One case was of a slave woman, apparently fifty years of age, named Charlotte, belonging to Mr. —. She had been hiring herself for more than fifteen years. She had two children—one thirteen, the other seventeen—both of whom worked in a tobacco factory. Their regular wages were \$2 a week each; sometimes they did extra work, earning more. She hired their time also. For herself and these two children she paid her owner \$5 a week; a dollar a week for herself and \$2 a week for each of the children. She had brought up these children without any aid whatever from her master, feeding them, clothing them; and this she continued to do even now, when her master took their wages. She inhabited, with them, a single room, in a tenement house, about twelve feet square, paying her own rent. She supported herself by washing. A large bed and an ironing table, which together filled up most of the room, were piled with clothes prepared for ironing when we entered.

^a See testimony taken in Kentucky, p. 12. [Here omitted.]

^b This domestic slave-trade appears to have been increasing rather than diminishing up to the commencement of the war. Judge Ballard, of Louisville, deposed before the Commission: "A few years since more cruelty, I think, was tolerated by the sentiment of the State than when I was a boy. We saw more frequently negro gangs driven through the city. Formerly a man did not like to be seen in that position, but five or six years ago it became quite common; there was no effort to conceal the thing. I recollect well that thirty years ago I knew a man, who was a physician in this city, to be tried by his church for the offense (committed as administrator of an estate) of unnecessarily separating, by sale, a slave from his wife."

^c No person shall hire to any slave his time; nor shall any person owning the legal or equitable title of any slave, absolutely or for a term of time, his agent or attorney, or other person having the control of a slave, wilfully permit or suffer such slave—

1. To own hogs, cows, horses, mules, or other like property.
2. To trade in spirituous liquors, hogs, cows, horses, or mules, or provisions, or other like property.
3. Nor, as if he were a free person of color, to live by himself.
4. To hire himself out.
5. To work and labor; to spend his or her time, or to do other acts. (Code of Tennessee, 1858, Sec. 2685, p. 578.)

This woman made no complaint, and did not appear to regard her condition as one of unusual hardship. The only thing she seemed to have expected from her master was a little aid in sickness. In reply to a question as to what he did for her, she answered: "My master never gives me anything, not even a little medicine, no more than if I did not belong to him." As her appearance indicated feeble health, we made inquiry on that score, to which she replied that she "was ailing," but that she "managed to keep up enough to make her wages." She added: "I get along well enough, and keep the hire paid up. You could not pay me to live at home if I could help myself." We asked her if she had to pay the hire for her boys in any event, and her reply was: "If the boys make more than \$2 a week apiece, I get what is over; if they don't make that, I have to make it good to him. He has got to have it Saturday night, sure."

Another case was marked by an additional feature. It was that of a slave woman, apparently about thirty-five years of age. Coming upon her without any notice of our visit, we found her in a room tidily kept, and herself decently dressed. She had been hiring herself eleven years at \$72 a year. Her husband, she told us (of course he could not be legally such), was a slave, and was hired by his master as cook in one of the Louisville hotels for \$300 a year. Out of this his master, she said, gave him once or twice a year a \$5 note—nothing else. We saw in the room two bright intelligent-looking children—one a boy about ten years old, the other a girl two or three years younger. One might go, at a venture, into a dozen dwellings of persons of the middle class in fair circumstances and not find their children cleaner in person and more neatly and suitably clad as were these two young slaves. We expressed to the mother our satisfaction at their appearance. Her face saddened and she said: "The white people have two of my children and that boy is about big enough to go."

We inquired how this was, and she informed us that her master left her children with her till they were about eleven years old and then took them home to work. Up to that age she fed and clothed them at her own expense. The last they had taken was a little girl between eleven and twelve years old. Four months ago the mother had gone to the plantation to visit her, not having seen her then for ten months. She had saved a dress for the child and took it with her. "I knew," she said, "that she would need it; but I never expected to find her as bad as she was. I could not help crying when I saw her. She was not dressed as a human creature should be. I took off her rags and washed her. She was serving my young master, and he had whipped the child so that you could not lay your hand anywhere along her back where he had not cut the blood out of her. I did all I could for her and dressed her, but I could not stay." Here the poor creature's eyes filled with tears. "I brought back the rags my child was covered with. I have them yet." We asked if we could see them. She went out, it seemed reluctantly, and brought us a small bundle of filthy tatters which she appeared ashamed that we should see. "If I could only have kept the children," she said, "I would not have cared for all the rest. I liked so much to have them clean and nice."

This woman made her living, as we ascertained, solely by washing and ironing. She, like the other, had paid her expenses of every kind, the doctor's bill inclusive.

Truly, the tender mercies of slavery are cruel! Under what other system would men, assuming to be gentlemen, commit toward poor, hard-working women such flagrant injustice as this?

In the first case the woman Charlotte, in feeble health, advancing in years, with no means of living except labor in washing and ironing, pays to her master \$260 a year for the privilege of supporting, by such labor, herself and her children. The man who received this human rental had literally furnished no equivalent. For more than fifteen years the woman had not received from him even a little aid in sickness. The children for whom he now demanded a rental of \$100 each had cost him nothing. For fifteen years the mother had fed and clothed them, cared for them in sickness and in health; she continued, unrequited, to feed and clothe them still. Who, if not that mother, was entitled to their wages now? Who, except one in whom slavery had blunted every perception alike of justice and delicacy, would consent to receive and to use money coming from such a source as that?

In the second case, \$372 annually had been paid for eleven years by the woman and him whom she called her husband, the law of the State forbidding that she should be his lawful wife. Four thousand and ninety-two dollars the master had received from them in that time, for which he had rendered nothing, except some \$10 a year in the form of a gratuity to the man. Was this \$4,000 considered by the master enough to take from these two working people? The mother in this case, as in the former one, had brought up her children at her own expense; had fed them and had clothed and kept them as any respectable yeoman might have been glad to see his children clothed and kept. Were the father and mother, after the payment of this \$4,000, after the care and cost of bringing up these children, suffered to enjoy the comfort of having them with them, and the aid which, as they grew up, they might be able to afford? No. While the children were a burden, that burden was thrown on the mother; she, too, as in the other case, earning a living as washerwoman. As soon as they were of an age to be of service they were removed to the plantation. And how treated there? The young girl was taken neatly and comfortably clad from her mother's care. One would have thought that the most common regard for decency, to say nothing of justice, would have suggested that the worse than orphaned child should have been kept, as the servant of a rich man, at least as respectably as the poor slave mother had kept her. Yet she was suffered to go about the house before her master's eyes in filthy rags. One would have supposed that the recollection of the \$4,000 received from the hard-working parents might have risen up to save—if Christian feeling could not save—this poor child, deprived of natural protectors, from brutal cruelty. Yet she was treated as no man with the least pretense to humanity would have treated a dumb beast.

Let no one say that these were cases of unusual hardship. The parties themselves evidently did not consider them such. There was no tone of querulous complaint. The facts came out only in answer to our direct inquiries, and neither of the women seemed to consider herself especially to be pitied. Charlotte thought a little hard of it that her master did not send her medicine when she was sick. The hire of her children did not seem to have suggested itself to her as any injustice. Even the other said she would be willing to part with the children if she only knew they were well treated. Had she been suffered to retain them, her gratitude to her master for his generosity would, it was evident, have been unbounded. One could see that the \$4,000 subtracted from her own and her husband's earnings never

occurred to her except as a usual thing. Both women expressed the greatest satisfaction that they were allowed to hire themselves. It was sufficiently apparent that nothing short of compulsion would cause either of them to return to what they still called "home." What sort of a home could that be to which the privilege of hard labor at the washtub, purchased by a weekly payment in money—coupled, in one case, with a similar payment for the children, and in the other with the loss of them—was regarded as a favor and a blessing?

Let us not imagine that the masters in these two cases were sinners above all men that dwelt in Kentucky. They may have been indulgent in their own families, kind to their white neighbors, honorable in their business dealings, esteemed in society. The anomaly is presented of men whose characters, in one phase, entitle them to be called cultivated and civilized, yet in another—to wit, in their dealings with a proscribed race—exhibiting such utter disregard of the mild graces of Christianity, mercy, charity, long-suffering, kindness, and good will to men, that it is not too harsh to say they live in a state of semi-barbarism. Such results are chargeable far less to the individuals who have thus gone astray than to the system which has formed their character. But a system has lamentably failed that results in the arrest of human civilization and Christian progress, in injury to the national character, and in disregard, under any circumstances, of the natural and inalienable rights of man.

Such a system is fraught with mischief, politically as well as morally. They who violate the rights of one race of men lose a portion of their reverence for the rights of all. It comes to this, that the peculiarities of character stamped more or less on every country in which slavery exists are, in spirit and in practice, adverse, not to religion and civilization alone, but to democracy also. No people exposed to the influences which produce such peculiarities will ever be found imbued with a universal sense of justice, with a respect for industry, with a disposition to grant to labor its just position among mankind; nor can any people subjected to influences so deleterious ever be expected to remain, in perpetuity, contented and happy under republican rule. *a* In no sense, then, neither political, moral, nor religious, can the experiment of slavery in these States be regarded in any other light than as an utter failure.

All this might have been said four years ago in reply to any argument that might then have been adduced in support of the assertion that slavery, though it failed in the West Indies and South America, had succeeded in the United States. But how instructive, how invaluable the experience of those eventful four years! Now views of the subject present themselves to-day; aspects of the slavery question hidden until now come conspicuously into the light. History had previously recorded the social and economical evils of the system. Now she has presented to us its political consequences.

a After dinner the conversation again turned on the resources and power of the South, and on the determination of the people never to go back into the Union. Then cropped out again the expression of regret for the rebellion of 1776, and the desire that if it came to the worst England would receive back her erring children, or give them a prince under whom they could secure a monarchical form of government. There is no doubt about the earnestness with which these things are said. (My Diary, North and South, by William Howard Russell, 1862, Chap. 17.)

This was in April, 1861, on a South Carolinian plantation. Mr. Russell represents these sentiments as then common in the South.

And now, therefore, going back to our starting point on the African coast, and following up once more the two diverging branches of the great stream of slave immigration flowing west—the one branch bearing 500,000 captives to this northern continent, the other conveying 15,000,000 to islands and a continent farther south—we are able, by the light of recent experience, to present more fully and clearly than ever before the comparative results in either case. Increase or decrease, apparent success or undeniable failure, the ultimate results have been fatal alike.

The 15,000,000 dispatched to the West Indian colonies and to South America never, as a population, took healthy root in the lands to which they were banished. They had no growth from the first; and ever after, century by century, they melted away under the influences of the system that degraded and destroyed them. Their fate and the lesson it conveyed were immediate and apparent. God stamped the policy which enslaved them at every stage of its progress with His reprobation.

But, as to the 500,000 that came among us, the mark of Divine condemnation, apparently suspended for a time, came in a different form at last. For a time that 500,000 increased and multiplied and replenished the earth; for a time their masters were wealthy and prosperous, as men usually rate prosperity; for a time these masters increased in political power; they held sway in the Republic; they controlled the National Legislature; they obtained a majority of the public offices. The end was delayed, and, when it came at last, it was the direct result of the peculiarities of character impressed by slavery on its votaries. Imperious and insubordinate, they rebelled against lawful authority. Spurning wholesome control, they rejected the President who was the choice of the majority. Despising a working people, they sought to sever connection with the North—a race of unblushing laborers. Seduced by evil habit into the belief that man's noblest condition is to live by the exertions of others, they undertook to erect a separate political system of which slavery was to be the corner stone.

Thus did slavery bring on a civil war between brethren of the same race, and tongue, and faith—a war widespread, and embittered and desolating as wars have seldom been. Thus will slavery have caused the violent death, in the country which tolerated it, of 500,000 of free people. Thus will slavery leave behind it, in the country where it held its millions in bonds, a public debt little short, it may be, of that which loads down the industry of Great Britain. If God in his mercy shall, in the end, preserve us from results to which these deaths and losses are but as dust in the balance; if our punishment does not extend to dismemberment, anarchy, extinction as a great nation; if lookers on from European courts are not to moralize on the ignominious failure of the noblest experiment to reconcile democratic liberty and public order that was ever instituted by man, let us remember how narrowly we shall have escaped; let us call to mind what days of gloom and hopelessness we have passed through—how often, as the contest proceeded, victory has hung even balanced in the scale, and what a little thing, amid the thousand contingencies which our short sight calls chance, might have turned the issue against us forever.

In our case the great lesson was long delayed; but how terrible in its actual results, how awfully impressive in its possible consequences, when it came upon us at last!

The conclusion of the whole matter is this: Reviewing from its inception on this continent down to the present hour the history of that offense against humanity by which one race, in order to escape labor, usurps by violence and appropriates to itself the labor of another, we find that the tendency of that usurpation is always to debase the usurpers, and usually to extinguish the laboring race and that, in the only notable exception to this last rule, the effects of this sin against justice and mercy culminated in the bloodiest civil war that ever arose among men, of the horrors and sufferings incident to which we cannot, even now, see the end.

If a calm review of this terrible episode in modern history bring no conviction that the crime which we are now expiating in blood must be atoned for, as crime can only be, by practical repentance—by thrusting out from among us the wrong of the age—argument will be unavailing. If, as all signs of the times appear to indicate, the Nation has already attained to this conviction, then it behooves us to consider how we shall carry it into effect; whether and in what manner we can effect emancipation by legal and constitutional means.

The consideration of these questions shall form the subject of the next chapter.

CHAPTER II.—*Emancipation.*

Aside from the abstract question of justice, there is nothing so intimately connected with the consideration of measures for the protection and improvement of American freedmen as the question antecedent to all plans or details, whether the act or acts whereby these men were declared free are or are not absolutely legal and irrevocable. If their civil right to personal freedom is not well founded and forever secured, then all practical measures based upon the right are unavailing and nugatory. Upon their condition, before the law, must all plans for their welfare be predicated.

Their legal status is, therefore, the primary question. And if it should appear that there are any circumstances which endanger the validity or the permanency of the freedom thus proclaimed, a proper treatment of the subject requires that these circumstances should be examined with a view, if need be, to their removal.

Seldom, throughout all history, has there been presented to any nation, for its decision, a question of import more vast than this. Its solution involves not alone the social destiny of 3,000,000 or 4,000,000 of human beings, but also the permanent peace and the national honor of one of the great powers of the world. It allies itself also, in an especial manner, to the progress of civilization.

The events of the last three years have radically changed the legal aspect of this subject. Questions once purely constitutional have now become complicated with questions of international law.

A member of the commonwealth of Christendom, our Republic is bound by the acknowledged rules of that unwritten code governing the society of civilized nations, of which the foundation and the sufficient authority is the common consent and usage of that society. We are as much bound by its rules as we are by the provisions of

^a We search in vain for any other authority for the law of nations than is to be found in Grotius' favorite phrase: *Placuit gentibus*, *De Jure Belli et Pacis*, lib. cxviii, 4, s. 5.

our Federal Constitution. In proportion as civilization advanced "it became," says Sir James Mackintosh, "almost as essential that Europe should have a precise and comprehensive code of the law of nations as that each country should have a system of municipal law."^a

Engaged in war, we must conform to the law of nations, so far as that law regulates public rights and duties during war. We must take from it, for example, the extent of our rights as regards enemies' property and the limitations of these rights.

In interpreting the international code, however, it behooves us to bear in mind that as its office is to foster civilization in peace and to mitigate suffering and repress outrage in war, the sentiment of christianity, taking practical form, has been gradually molding its rules from the more to the less severe. Thus, among the Romans the rule that renders enemies' property liable to confiscation was so harshly enforced that it was made to apply to subjects of the enemy who, at the breaking out of war, happened, innocently and by the accident of travel or temporary commerce, to be residing among them. But Grotius and Vattel argue that as these foreigners entered the country under the sanction of public faith, the government which permitted this tacitly contracted that they should be protected while there and allowed a reasonable time to return, taking with them their movable effects. And this practice, from its evident justice, has now superseded the stricter enforcement of the rule.

Beyond all doubt, as a nation holding itself second to no other in its desire to aid the cause of humanity and civilization, our practice in war ought to conform to the milder and more enlightened phase of sentiment sanctioned by modern publicists. But in so doing it behooves us to see to it that the scruples of moderation do not degenerate into weakness, defeating their own object and protracting the term of a war which is a disgrace to the age if it be not regarded as God's agency for a great purpose. We are guilty of culpable negligence if we fail to employ all the means which are legally and properly within our reach to bring to a close, at the earliest practicable day, the struggle which now desolates and depopulates our land. There is no just war which has not for its object (on a rightful basis, it is true) the speedy restoration of peace.^b

In pursuing that object as the legal phrase is, *vis facti*—in other words, by the compulsory means of war—injury must be inflicted on the enemy. States, being in the nature of vast corporations, are not, indeed, liable to punishment, but acts resembling punishment, though in fact but measures of self-defense, become necessary, if we resort to war at all. "It is to be remembered," says an able modern commentator on international law, "that as the will of the subject is bound up in that of his government, it may well be that the consequences of the conduct of his rulers may be attended with injury both to the person and property of the subject, and that the enemy is justified in striking through them at the government from which he has received a wrong, for which redress has been denied."^c

The just limit in this case is set forth by Montesquieu: "Nations," says he, "owe to each other, in peace, the greatest amount of good, and

^a Lecture on the Law of Nature and Nations, by Sir James Mackintosh.

^b *Bellum pacis causæ suscipitur.* (Grotii Prolog., 25 De Jure Belli et Pacis, lib. i, c. i, s. 1.)

^c Commentaries on International Law, by Robert Phillimore, M. P., Vol. 3, p. 69.

in war the least amount of evil, that is compatible with their true interests." *a*

Guided by these general considerations the Commission proceed to examine the question of emancipation, legally considered.

In so doing it may simplify the matter if we offer a few preliminary observations on the—

SECTION I.—*Constitutional aspect of what is called slave property.*

There has been radical diversity of views on this subject. Extreme opinions on either side have been confidently urged, one party alleging that the Federal Constitution admitted and sanctioned property in human beings, another that its very preamble utterly excluded that idea, and that none of its provisions recognized, or could recognize, in any sense a social institution that is contrary alike to law and to morality.

We cannot reach clear ideas of the constitutionality of emancipation under any circumstances until we settle in advance under what phase and to what extent the social relation known as slavery is recognized (if it be recognized) by the Constitution of the United States. And throughout the prosecution of such an inquiry it behooves us to bear in mind the great fundamental ideas of human liberty and natural rights, to give legal force to which that instrument was originally framed. It behooves us, further, to keep in view a well-established legal principle, founded on justice and identified with civilization, laid down by the Supreme Court of the United States in these words:

Where rights are infringed, where fundamental principles are overthrown, where the general system of the law is departed from, a legislative intention must be expressed with irresistible clearness to induce a court of justice to suppose a design to effect such objects. *b*

The constitutional provision regarding the slave-trade, cautious in its phraseology, was temporary only, ceasing to operate after the year 1808, and need not therefore be considered.

There are but two other provisions remaining that bear on this subject, familiar to all, for they have been the theme of a hundred excited discussions, one contained in the fourth article and second section of the Constitution, being in these words:

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

The claims to service or labor here referred to may be for years or for life; both are included in the above provisions. In point of fact, there were existing at the time that provision was adopted (as there still exist) both classes, the first class for a term of years then consisting in part of claims against foreign adults who had bound themselves to service for a limited time to repay the expenses of their emigration, but chiefly, as now, of claims to the service or labor of what were called apprentices, usually white minors; the second, for life, were claims to the service or labor of men, women, and children of all ages, exclusively of African descent, who were called slaves.

a Le droit des gens est naturellement fondé sur ce principe, que les diverses nations doivent dans la paix le plus de bien, et dans la guerre le moins de mal, qu'il est possible, sans nuire à leurs véritables intérêts. (Montesquieu *De l'Esprit des Loix*, l. i, c. iii.)

b United States against Fisher (2d Cranch, 300).

The first class of claims were found chiefly in Northern States; the second chiefly in Southern. There was a great disparity between the numbers of the two classes. While the claims to service or labor for years numbered but a few thousands, there were then held to service or labor for life 500,000 or 600,000 persons, and the number has since increased to about 4,000,000.

The constitutional provision is, that persons from whom, under the laws of any one State, service or labor is due, shall not be exonerated from the performance of the same by the laws of any other State to which they may escape. The apprentice or the slave shall, in that case, on demand of the proper claimant, be delivered up.

Such a provision involves the recognition of certain rights of property; but of what kind?

Is the ownership of one human being by another here involved? Is the apprentice or the slave recognized in this clause as an article of merchandise?

State laws, regulating apprenticeship and slavery, may give to the master of the apprentice, or of the slave, the custody of the person, and the right of corporal punishment, in order the better to insure the performance of the labor due. These laws may declare that an apprentice, or a slave, who strikes his master shall suffer death. They may provide that the testimony of an apprentice, or of a slave, shall not be received in any court of justice as evidence against his master. They may make the claims to service or labor, whether for years or for life, transferable by ordinary sale. They may declare such claims to be, under certain circumstances, of the nature of real estate. They may enact that these claims shall be hereditary, both as regards the claimant and the person held to service, so that heirs shall inherit them—and, also, so that the children of apprentices, or of slaves, shall, in virtue of their birth be apprentices or slaves. They may deny to the slave, or to the apprentice, during the term of slavery or of apprenticeship, legal marriage, education, the ownership of property, real and personal. But State laws and State constitutions, whatever their varying provisions, cannot modify or affect, expressly or by implication, the Constitution of the United States. They have no power, direct or indirect, over it. It controls them. The Supreme Court has decided that "the Government of the Union, though limited in its power, is supreme within its sphere of action;" and again, paraphrasing the Constitution itself, that "the laws of the United States, when made in pursuance of the Constitution, form the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding."^a

Therefore, no State action can add to or take from the Constitution of the United States. Therefore, State laws and State constitutions, valid within their own municipal jurisdiction, are without force within the proper sphere of Federal authority. They can neither determine the interpretation of the Federal Constitution, nor serve as commentary or explanation of its intent. It is an authority superior to theirs, and it is to be interpreted by the words, fairly and candidly construed, of its framers.

These words deny to any State the right either to pass laws or regulations discharging from service or labor inhabitants of another State held to such service, who may have escaped therefrom, or to refuse to the proper claimant of such service the surrender of the

^a *McCulloch against the State of Maryland* (4 Wheaton's Reports, p. 316; Constitution of the United States, Sec. 6).

fugitive by whom it is due. They do this—they do nothing more. And this denial of the right on the part of any State of the Union to defeat certain claims to labor held by citizens of another is a protection afforded to all claims for labor alike; to that of the master seeking a white apprentice, and to that of the master seeking a negro slave.

There is an evident intention, so far as words can mark intention, to go no further. There is an evident intention to refrain from any expression that might be construed into an acknowledgment of slavery as a social institution. Nothing could be more notorious than the fact of its existence as such in many of the States then about to be united in one Federal Union. But the responsibility of that existence is studiously left to the States who permit it. It is acknowledged as a fact, not sanctioned. If, while it exists, it is protected in one of the incidents which belong alike to it and to apprenticeship, the reason is to be found in the necessity of the case. It is evidently with no other intent than to avert angry conflicts between State and State that an individual State is not permitted to release from involuntary labor any person who, by the municipal rule of another State, is subjected to it.

This view of the case is fully borne out by the remarkable phraseology of the provision under consideration. The word slave, though then universally used to designate a negro held to service or labor for life, is not employed. We know, from the debates in the convention which framed the Constitution, that this peculiarity was not accidental; nor can we overlook the inevitable inference from it. This provision does not recognize slavery, except as it recognizes apprenticeship. African slavery, according to the expressly selected words, and therefore according to the manifest intent of the framers of the Constitution, is here recognized as a claim to the service or labor of a negro; nothing more, nothing else.

It avails nothing to allege, even if it were true, that in 1787, when these words were written, a negro was commonly considered property. Chief Justice Taney, delivering the decision of the Supreme Court in the Dred Scott case, asserts that in the thirteen colonies which formed the Constitution "a negro of the African race was regarded as an article of property." If the opinion expressed on this subject by a large majority of those who sat in deliberation in the various States on the adoption of the Federal Constitution, as recorded by Elliot,^a is to be received, as it properly may be, in evidence to prove the probable opinions of their constituents on this subject, then has the chief justice's assertion no foundation in truth. But true or not, it has no legitimate bearing on the argument. Let the facts as to popular opinions in revolutionary days be as they may, they are but the opinions of individual colonists; and these cannot be received as a basis of construction for the words, nor can they rebut the plain intent of a constitutional provision. It is not what individual colonists believed, but what the framers of the Constitution incorporated in that instrument, that we have to deal with.

They avoided the use of the word slave. They incorporated the words "person held to service or labor." They admitted the existence, under State laws, of the claim to service or labor—none other;

^a In evidence that this statement is correct, the Commission submit, among the documents accompanying this report, a carefully prepared abstract of the opinions on slavery, favorable and unfavorable, expressed in the various State conventions during the debates on the adoption of the U. S. Constitution. [Abstract omitted.]

a claim (regarded in its constitutional aspect) in the nature of what the law calls a chose in action—or, in other words, a species of debt—a thing to which, though it cannot be strictly said to be in actual possession, one has a right.

In common parlance we employ words, in connection with slavery, which imply much more than such a claim. We say slave-holder and slave-owner; we speak of the institution of slavery; but we do not say apprentice-holder or apprentice-owner, nor do we speak of the institution of apprenticeship. The reason, whether valid or invalid, for such variance of phraseology in speaking of the two classes of claims is not to be found in any admission, express or implied, in the provision of the Constitution now under consideration. The framers of that instrument employed one and the same phrase to designate the master of the apprentice and the master of the slave. Both are termed "the party to whom service or labor may be due."

The employment of the popular phraseology referred to, indicating social disabilities and a subjection of one race to another, which originated in local legislation alone, has had a tendency to mislead public opinion as to the actual connection between slavery and the Federal Constitution. The mass of our people had come to think, at last, not only that the claim to labor was recognized, and was protected in cases where the denial of that claim might have led to a dangerous conflict of authority between States, which was true, but also that the framers of the Federal Constitution, straying off from the landmarks set up by the Declaration of Independence, had recognized as just, and had pledged the Nation to defend against all comers, a social institution under which one human being became the chattel of another, which was false.

If we were to regard the Constitution as indorsing slavery in all its changing phases, shaped by successive State laws and institutions as those phases have been, whither might not the doctrine have led us? Amongst the ancient Romans the master had the power of life and death over his slave. Let us suppose that South Carolina had enacted, as she might have enacted, a statute granting to her slave-holders this terrible power. Is the Federal Constitution, because of such statute, to be understood as recognizing the doctrine that murder is no crime if perpetrated on the person of a negro held to labor? Instinctively we reject an inference so monstrous that we must have lost all respect for the best men of the revolutionary period before we could adopt it.

The second and only other provision of the Constitution which refers to slaves (article 1, section 2) remains to be considered, in these words:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

To avoid mistakes, it was deemed necessary to include apprentices by express specification. Why this? Every one would have felt it to be absurd if the words had been, "the whole number of free persons, including farm laborers." But why absurd? Because persons engaged in free labor are, beyond question, free persons. Not so those "bound to service." While so bound, apprentices may be considered not free; when the "term of years," and with it the bondage to service, expires, they become free, or, as the common phrase is, "their own masters." It was necessary and proper, therefore, to

specify whether, in the enumeration of inhabitants, they were to be estimated as free persons or as persons not free.

But would there be any fairness in construing this clause into an admission, by inference or otherwise, that an apprentice white "bound to service" is a slave? Clearly not. He is a person not free for the time, because another has a legal claim to his service or labor. The Constitution admits this; nothing more.

And so of slaves. "Other persons" they are called in contradistinction to "free persons," therefore persons not free; and properly so called, seeing that, like the apprentice before his term expires, they are "bound to service," and that, unlike him, they remain thus bound for life.

But unless we admit that the apprentice, bound to service for a season, is a slave during that season, we cannot justly allege that, by this provision of the Constitution, the negro, held to service or labor for life, is recognized as a slave.

A mere technical view of a great political question is usually a contracted one, of little practical value, and unbecoming a statesman. "The letter killeth, but the spirit giveth life." Yet we must not mistake for technicality a careful interpretation, distinctly warranted by the terms employed, of a public instrument. Every public instrument by which the governed delegate powers to those who govern should be strictly construed.

We know very well that the men who framed the Constitution regarded a negro held to service or labor not, indeed (to speak of the majority of opinions), as a chattel, but as a slave. It would be absurd to argue that temporary claims to the number (let us suppose) of 30,000 or 40,000 may for a moment compare in importance with life-long claims to the number of 4,000,000. The first are of comparatively trifling moment, have never molded or greatly influenced society among us, and might drop out of our social system without serious disturbance. The latter constitute a system that has roots deep struck in the social structure of half our country; that involves vast industrial interests; that has gradually obtained influence so great and assumed proportions so gigantic as to become a political element overshadowing and controlling. It cannot properly be dealt with except after the gravest deliberation and the most sedulous examination, in advance, of every step we propose to take. It cannot be eradicated without producing disturbances such as convulse a nation.

But it is none the less true that neither the number of slaves nor the magnitude of the interests involved can properly influence the judgment in determining the just construction of a clause in the Constitution, or properly set aside a fair deduction from the wording of that clause as to its true spirit and intent. It is none the less true that the framers of the Constitution, in studiously avoiding the employment of the word slave, undeniably abstained from admitting into that instrument anything which the use of that word might have implied. Therefore, the Constitution does not recognize the ownership of one human being in another. In it we seek in vain any foundation for the doctrine declared by Chief Justice Taney, that persons held to service or labor for life are articles of property or merchandise.

In one restricted sense, and only in one, is slavery recognized by the Constitution of the United States—as a system under which one man, according to State laws, may have a legal claim to the labor of another.

It follows that the question whether the Federal Government has the right, under any circumstances, to emancipate slaves is more simply and more distinctly stated when put in these words: Has the Federal Government the right, under any circumstances, to take and cancel claims to the service or labor of persons of African descent held, under State laws, in certain portions of the United States?

If there are circumstances and conditions under which such claims can be legally taken and disposed of by the Government, then, under these circumstances and conditions, emancipation is constitutional. If there are none such, it is unconstitutional.

This opens up the next branch of our inquiry; and as we are at war with one portion of the slave States and at peace with another portion, the question subdivides itself accordingly; for the rules as to property of an enemy during war differ entirely from those which regard the property of peaceful citizens.

Let us, then, first examine

The constitutionality of emancipation in the insurrectionary States.

Has the Federal Government the right to take and cancel claims to service or labor held by inhabitants of the insurrectionary States?

An antecedent question is: Are these inhabitants, without distinction as to individual loyalty or disloyalty, and because of their residence within a given territory, enemies of the United States?

Vattel has treated as fully and as humanely as any other writer on international law of the rules of that law so far as they apply to civil war. He says:

When, in a republic, the nation is divided into two opposite factions, and both sides take up arms, this is called a civil war. * * * A civil war breaks the bands of society and government; or, at least, suspends their force and effect. It produces in the nation two distinct parties who consider each other as enemies. * * * These parties stand in precisely the same predicament as two nations who engage in a contest and have recourse to arms. *a*

In accordance with these views the Supreme Court has decided that because of the present insurrection there exists civil war. The opinion of the court, delivered in March of last year, is as follows:

When the regular course of justice is interrupted by revolt, rebellion, or insurrection, so that the courts of justice cannot be kept open, civil war exists, and hostilities may be prosecuted on the same footing as if those opposing the Government were foreign enemies invading the land. *b*

When one nation is engaged in war against another, all the inhabitants of the latter, without regard to their opinions as to the justice of the war on the part of their own government, become enemies of the former. If Great Britain, siding with the South, were to declare war against us, John Bright, though he might retain the same friendly sentiments which he now entertains toward this country, would be, in law, the enemy of the United States. Vattel sets forth this principle in the plainest and most explicit terms:

When the sovereign or ruler of the State declares war against another sovereign, it is understood that the whole nation declares war against another nation. Hence these two nations are enemies, and all the subjects of the one are enemies to all the subjects of the other. *c*

a The Law of Nations, by Vattel, Book III, Secs. 202, 203.

b Claimants of schooners Brilliant, &c., vs. United States. March term, 1863. Opinion by Grier, J. Amer. Law Register, April, 1863, p. 338.

c Vattel, Book III, Sec. 70.

Strictly in accordance with the above the Supreme Court has given its opinion in the case already referred to. After reciting that the territory "held in hostility to the United States" has a "defined boundary,"^a which can be crossed only by force, the court adds:

All persons residing within this territory, whose property may be used to increase the revenues of the hostile power, are, in this contest, liable to be treated as enemies. * * * Whether property be liable to capture as enemies' property does not, in any manner, depend upon the personal allegiance of the owner.^b

According to this decision, property of every kind held by residents of the insurrectionary States, no matter what their personal sentiments or political proclivities may be, is enemies' property. It becomes such in virtue of the domicile of the owner, and of the fact that it "may be used to increase the revenues of the hostile power."

It follows that so much of the law of nations as relates to the right of a belligerent to take or destroy the property of an enemy applies in this case to the property of every inhabitant of the insurrectionary States, without regard to his individual loyalty or disloyalty.

What are the rules of international law which bear upon this matter? Grotius lays down the principle on the broadest ground. He says:

Moreover, by the law of nations, not only he who carries on war for just cause, but also any one engaged in solemn war, becomes the absolute and unconditional owner of all property taken from the enemy; so that both he and whoever claims under him are to be protected in possession of the same.^c

Vattel is quite as explicit. He says:

We have a right to deprive our enemy of his possessions, of everything which may augment his strength and enable him to make war. This every one endeavors to accomplish in the manner most suitable to him. Whenever we have an opportunity we seize on the enemy's property and convert it to our own use; and thus, besides diminishing the enemy's power, we augment our own, and obtain at least a partial indemnification or equivalent, either for what constitutes the subject of the war, or for the expenses and losses incurred in its prosecution.^d

The Supreme Court, in the case already cited, indorses this well-known principle of international law:

The right of one belligerent not only to coerce the other by direct force, but also to cripple his resources by the seizure or destruction of his property, is a necessary result of a state of war.^e

These authorities settle the question as to the legality of one enemy taking or destroying the personal property of another.

In a general way, however, a belligerent does not become the legal owner of any personal property belonging to his enemy so long as it

^a This boundary, earlier defined by the respective acts of secession, was officially declared by proclamation of the President, issued under date of July 1, 1862. This was done in accordance with a requisition contained in the second section of an act of Congress approved June 7, 1862. The list includes eleven States, reckoning Eastern Virginia as one. It does not include Western Virginia, nor Maryland, nor Delaware, nor Kentucky, nor Missouri. Nothing here said, therefore, applies to the constitutional rights of the inhabitants of any of these States. To a proper understanding of the legal points involved, it is indispensable to bear in mind which States are in the eye of the law insurrectionary and which are not.

^b Case cited, Claimants of schooners Brilliant, &c. American Law Register for April, 1863, pp. 343, 344.

^c *Ceterum, iure gentium non tantum is qui ex justâ causâ bellum gerit, sed et quivis, in bello sollemni, et sine fine modoque, dominus sit eorum quæ hosti eripit, eo sensu nihilum ut a gentibus omnibus et ipso et qui ab eo titulum habent in possessione rerum talium trahi sint.* (Grotius, l. iii, c. vi, s. 2.)

^d Vattel, Book III, Sec. 161.

^e Case cited. Amer. Law Register for April, 1863, p. 341.

is still in that enemy's hands. To obtain a right to it he must reduce it to possession. "Owner of all property taken from the enemy," says Grotius. "We seize on the enemy's property and convert it to our own use," says Vattel. The Supreme Court employs a similar phrase, authorizing "the seizure or destruction of enemies' property." Until we seize the horses on which the enemy has mounted his cavalry, or the muskets which he has placed in the hands of his soldiers, they are not ours. As to tangible property, such as horses and muskets, we must capture before we own.

When we propose to take and cancel enemies' claims to service—in other words, to emancipate the slaves of our enemies—does the rule hold good? Must we obtain possession of the persons of these slaves before we can declare them to be free of their bondage?

In this case the question is not of seizing and destroying tangible property belonging to the enemy. Even if a slave were an article of merchandise, we do not propose to ourselves the possession and destruction of that article. If we did, it could not be ours to possess until we captured it, nor to destroy until the laws against murder were repealed.

The property with which we propose to deal, and of which we seek to deprive our enemies, is property of a character very different to that of property in horses or muskets. It consists of a right or claim; the only right over a slave by a master which is recognized in the Constitution—the claim to that slave's service or labor.

This is, strictly speaking, a species of property in the nature of a demand, to be satisfied in the future. It is a debt of a peculiar nature, it is true; not payable in money; not recoverable by suit in court; enforced by physical means; but still essentially a debt. Service or labor is due. It is, indeed, an involuntary debt, not growing out of contract between debtor and creditor, but yet as binding as State laws can make it; as practically binding, within the State which enacted these laws, as the debt an artisan might contract, if he gave, in payment of property bought, his promissory note for so many months' labor. It is a debt due by an inhabitant of the United States to an enemy of the United States.^a

Property of this description, being of an intangible character, cannot be physically seized or destroyed. It is evident, therefore, that the usual rule that the seizure, by physical force, of enemies' property must precede our ownership of the same, can have no practical application in this case.

But debts can be confiscated, and after being confiscated they can be canceled so that the debtor shall be forever free of the same. Nor is there in the international code any rule or law to the effect

^aThe question is not mooted here whether, because of the existing civil war, slaves held within the insurrectionary States are, in law, enemies or not. We have seen that the principle on which the inhabitants of the insurrectionary States, without reference to personal loyalty, are held to be enemies is, first, because of their domicile; and secondly, because their property may be used to increase the revenue of the hostile power. But slaves are persons acting under duress; they have no voluntary domicile, and cannot legally hold any property, real or personal.

In any event, though by international law the Government may rightfully hold all the inhabitants of the insurrectionary States as enemies, it is not compelled to hold them as such. It may undoubtedly waive its right as to the whole or any part of them.

The question is a new one that has never, probably, been decided by the courts. Its decision is immaterial to the present argument. A debt due to an enemy by any inhabitant of the United States, whether friend or enemy, may lawfully be confiscated.

that before such confiscation or canceling the person of the debtor shall be seized; or that the debt cannot be confiscated or canceled while the debtor is in the enemy's country. If there be legal authority to confiscate, that suffices.

Is there legal authority in this case? Has the Government of the United States, at war with the holders of these claims, the right to confiscate them?

Vattel, in defining what is to be considered as enemies' property liable to confiscation, says:

Among the things belonging to the enemy are likewise incorporeal things—all his rights, claims, and debts.^a

The expression is of the most comprehensive character—"all his rights, claims, and debts," embracing, beyond possible question, the claims or debts we have now under consideration. We shall search in vain for any special recognition of the right to confiscate that peculiar species of claim, seeing that neither common law nor international law recognizes the existence of human slavery or provides rules for its treatment during war. We can be governed, therefore, only by the general rule as to confiscation of claims or debts. But that is explicit and all-sufficient.

Chief Justice Marshall, in delivering the opinion of the Supreme Court in the case of "*Amity Brown vs. the United States*," said:

The right of the sovereign to confiscate debts being precisely the same with the right to confiscate other property found within the country, the operation of a declaration of war on debts and on other property found within this country must be the same.^b

Justice Story, though dissenting from the opinion of the court in this case, concurs in the above principle. These are his words:

I take upon me to say that no jurist of reputation can be found who has denied the right of confiscation of enemies' debts.^c

There are no exceptions to this rule which apply to the case we are considering. It is true that by the modern and milder interpretation of the law of nations there are certain relaxations as to the power of confiscating the rights, claims, or debts of an enemy. For example, in the case of rights granted by a third party, to whom it is not a matter of indifference in whose hands they are vested.^d Nor is it any longer the law, though it used to be, that sums of money due by neutral nations to our enemy can be confiscated as other property.^e Nor are the debts of alien enemies contracted in the country during peace to be deemed confiscate solely in virtue of a declaration of war.^f But none of these exceptions, nor any others recognized by the law of nations, have reference to the present case, in which the question regards debts due to the enemy by the inhabitants of our own country. Such debts are, beyond all controversy, liable to confiscation.

It is to be conceded that the precise case, as it here presents itself, may be regarded as *sui generis*. A parallel case cannot probably be found in all history; a case in which during a civil war a question touching the confiscation and canceling of certain claims or debts due by one portion of the inhabitants of an insurrectionary district

^a Vattel, Book III, Sec. 77.

^b *Amity Brown vs. The United States*, 3 Curtis, p. 48.

^c Case cited, 3 Curtis, p. 61.

^d Vattel, Book III, Sec. 77.

^e 1 Chitty's Commercial Law, p. 423; 1 Chitty's Law of Nations, pp. 82-86.

^f *Amity Brown vs. The United States*, 3 Curtis, p. 46.

to another portion of the same rises to the grandeur of a great measure, involving not only the peace, but the national existence, of the power which proposes to confiscate. This could only occur when, as in the present instance, these claims constitute the basis of a vast labor system endangering domestic tranquillity and imperiling the national unity and life.

A case so unique might well be regarded as demanding the establishment of a precedent. The courts might well be called upon to decide it on the broad principle that whatever is essential to the preservation of the national life the Government may lawfully do; just as an individual, without imputation of murder, may take the life of an assailant, when such killing is necessary to save his own life. But it is satisfactory to reach the conclusion that the right to adopt this great measure of national self-defense can be justified even on technical grounds, as involving a confiscation never before exercised, perhaps, by a belligerent on so grand a scale, but in strict conformity to the law of nations in the premises.

It is, therefore, in every view of the subject, lawful to seize or confiscate and cancel that large class of enemies' debts known, in the language of the Constitution, as "claims to service and labor." It is lawful by the proper authority to confiscate these not only when the debtor is within our own lines, but in whatever portion of our country he may happen to be.

What is the proper authority in this case? By whom can these claims be legally canceled? Evidently by the same authority which may legally seize and appropriate any other property of the enemy. Primarily, then, by the sovereign or law-making power of the Government; and secondly, when the exigencies of war demand it, by the duly constituted military authority.

But the chief military authority of the United States is vested, by the Constitution, in the President:

The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States. *a*

The President, then, is a proper authority; not, indeed, as President, but as Commander-in-Chief. As such he has legal power, by himself or through his subordinate officers, to take and to destroy, or to use personal property belonging to the enemy. As such he is sole judge of the exigencies which render necessary such taking and such destruction or use.

In the exercise of this discretion he is not amenable under any provision of the Constitution. The Constitution in making him Commander-in-Chief neither designated nor restricted his powers as such, but it conferred upon him, by implication, all the powers appertaining, by the usage and law of nations, to that office. Strictly speaking, the only constitutional question which can be raised in this connection is as to whether the person so taking and destroying enemies' property was at the time legally Commander-in-Chief.

He is responsible for the manner of exercising this power under the law of nations; and, as the law of nations is to be construed in the interests of humanity and civilization, he is responsible in case his acts should outrage these great Christian principles. Humanity forbids us to lay waste a country, to sack towns and villages, to burn or pillage dwellings, to destroy public edifices not military. Humanity bids us

a Article II, Sec. 2.

respect the private property of non-combatant enemies, so far as this is compatible with the exigencies of war. If a commander-in-chief violate these rules, which civilization in its progress has dictated, it is an offense, not against the Constitution, but against international law. The legality of his acts may be called in question, not their constitutionality.

What was the manner in which the President, as Commander-in-Chief, took and canceled the claims to involuntary labor owned by inhabitants of the insurrectionary States?

On the 25th July, 1862, in pursuance of the sixth section of the act of July 17, 1862, commonly called the "confiscation act," the President issued a proclamation warning all the insurgents to return to their allegiance within sixty days, on pain of certain forfeitures and seizures.

This warning proving ineffectual, the President when the sixty days' notice had expired issued a second proclamation declaring that the slaves held within any State which, on the 1st of January then succeeding should still be in rebellion against the United States, "shall be then, thenceforth, and forever free."

On the 1st of January, 1863, "by virtue of the power in him vested as Commander-in-Chief of the Army and Navy of the United States," he declared certain States, namely, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia—certain parishes in Louisiana and certain counties in Virginia excepted—to be then in rebellion against the United States; and he further declared that all slaves in the said ten States, with the exceptions aforesaid, "are, and henceforward shall be, free."

In the last-mentioned proclamation the President recites that it is issued "in time of actual armed rebellion against the authority and Government of the United States;" and further, that emancipation is declared "as a fit and necessary war measure for suppressing said rebellion."

The number of claims to involuntary labor which this proclamation declared to be canceled was about 3,000,000. The forfeiture under the war power of so great an amount of property, the canceling of so vast a number of claims, disturbing, as it must, the social and commercial elements throughout a large and populous country, requires, for its justification, an object commensurate in grandeur with the magnitude of the measure itself.

What was that object?

"All that a man hath," we are told, "will he give for his life," and this is as true of nations as of individuals. No higher or greater object can be proposed to any people than the maintenance of its national unity, which is its national life.

At the time when the President as Commander-in-Chief issued his proclamation of emancipation the life of the Nation was imminently threatened.

A civil war, of proportions more gigantic than any which history records, had been raging in our country for more than a year and a half. The contending parties had put into the field upward of a million of combatants. We of the North had already expended, or contracted to expend, full a thousand millions of dollars. The war had been carried on with varying success; now the Federal arms triumphant, now the Confederate; Northern counsels were divided, and there was a loud clamor for peace, on terms the acceptance of which could but result in perpetual war. So far as foreign nations had

declared themselves, either by official acts or by the expression of public opinion, it appeared to be rather in favor of the Southern insurgents than of the established Government. The contest had till then assumed no higher character than that of one portion of a great nation striving to secede from the main body of the same and establish a separate independence; and in an effort of that character, if no higher principle be involved, the sympathy of the world is usually with the weaker party.

In such a conjuncture the best and wisest among us saw before them a protracted war, a doubtful issue. The bravest confessed to themselves that we had need of all our resources, even to the uttermost, in order to avert the breaking up of the great American Union into such petty discordant sovereignties as are to be found in more southern portions of our hemisphere, into belligerent fragments, with the standing and influence, perhaps, of Venezuela or Costa Rica, of Nicaragua or Ecuador.

We had need of all our resources, even to the uttermost. Had we at that time employed them all? Had we not up to that time left in the hands of our enemies, with scarcely an effort to disturb it, one of the chief elements of their military strength? Nay, an element so ever-whelmingly influential in its practical results that, according to its management against us or in our favor, might be the ultimate issue of the war—defeat if we neglected it, victory if we improved the opportunity? Let us look closely to this.

By the census of 1860 the number of white males between the ages of eighteen and forty-five is, in the loyal States, about 4,000,000; in the disloyal States about 1,300,000; let us say about three to one. The disparity seems great, but, as a basis of military strength, the calculation is wholly fallacious, for the disloyal States contained when the insurrection broke out 3,500,000 people ^a who were not insurgents, who did not voluntarily assist in the rebellion, but who were compelled by force to render it most efficient aid.

Out of the above 4,000,000 the North had to provide soldiers and (with inconsiderable exceptions, not usually extending to field labor) laborers also.

Not so in the South. Her 1,300,000 had more than their own number to aid them, in military as well as agricultural labor. For as, among slaves, both sexes are employed from an early age to a late period of life in the field, the number of laborers out of 3,500,000 slaves may fairly be put at 2,000,000. Let us estimate 300,000 of these as employed in domestic service and other occupations followed by women among us, and we have 1,700,000 plantation hands, male and female, each one of whom counts against a Northern laborer on farm or in workshop, or a Northern soldier laboring on intrenchment or fortification, each one of whom, staying at home to labor, liberates a white man for active military duty in the field. To 1,300,000 add 1,700,000, and we have 3,000,000 as the total in the insurgent States of numerical force available in this war—that is, of soldiers to fight and laborers to support the nation while fighting. Then, supposing the negroes all loyal to their masters, or at least remaining to labor for them, the comparative military strength, so far as it is indicated by population, was as four in the North to three in the South.

^a The eleven States who passed ordinances of secession contained, by the census of 1860, 3,531,110 slaves.

If we take into account the fact that ours were the invading and attacking forces, while the insurgents had the advantage of acting upon their own territory, near to their supplies, with short inside lines of communication, and on the defensive, it need not surprise us that after the lapse of a year and eight months of unintermitting war the scale still remained in the balance, neither side yet hopelessly depressed.

Under such a condition of national affairs, when there is question of claims held by the enemy, upon which rests his power to supply his armies with the necessities of life, we must go much further than to inquire whether the Commander-in-Chief has the right to take and declare forfeited these claims. The true and fit question is, whether, without a flagrant violation of official duty, he has the right to refrain from taking them.

"You have no oath," our present Chief Magistrate said, addressing, in his inaugural, the insurgents already in arms against lawful authority, "You have no oath registered in Heaven to destroy this Government, while I have the most solemn one to preserve, protect, and defend it."

Can we suppose a grosser violation of that solemn oath than would have been the failure to employ the appropriate means, sanctioned by the law of nations, gradually to withdraw from the enemy half of his military strength? Has a President done his best to preserve the Government, to protect the people, until he shall have done this? Charged with the lives of millions, with the putting down of a gigantic rebellion, and the restoring of tranquillity to the land, what right had our Commander-in-Chief, in the hour of almost need, to scorn a vast element of war strength placed within his reach and at his disposal? And if he had refused to avail himself of such an element, would he not have been righteously held responsible for the hopes he blighted and the lives he cast away?^a

Under such a state of things it was eminently and imperatively the duty of the President, "as a fit and necessary war measure for sup-

^a In this argument we have confined ourselves, in terms, to the proclamation of the President as authority sufficient to make emancipation in the insurrectionary States legal and irrevocable. The argument, however, is equally applicable to the acts of Congress on this subject, which acts have, besides, other grounds of validity unnecessary here to recite.

The chief provision by Congress is contained in the ninth section of the act of July 17, 1862, commonly called the "confiscation act," as follows:

"That all slaves of persons who shall hereafter be engaged in rebellion against the Government of the United States, or who shall give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the Army; and all slaves captured from such persons or deserted by them and coming under the control of the Government of the United States; and all slaves of such persons found or being within any place occupied by rebel forces and afterward occupied by forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves."

By the decision of the Supreme Court, already cited, all the inhabitants of the insurrectionary States are, in law, persons "engaged in rebellion." Therefore all refugee slaves from insurrectionary States are by this statute declared free.

Further, as all the insurrectionary States have been "occupied by rebel forces," and, as we may reasonably conclude, that if we prevail against the South, all these States not already "occupied by forces of the United States," will hereafter be so occupied, it follows that, by the operation of this law, all the slaves in the insurrectionary States, even if no emancipation proclamation had ever been issued, would, before the end of the war, have probably been entitled to freedom.

Strictly in the spirit of the above statute, and going only so far beyond it as to declare slaves in portions of the insurrectionary States not yet "occupied by forces of the United States" to be free in advance of such occupation, was the President's action in the premises.

pressing the rebellion," to declare free all the slaves held by the enemy in the insurrectionary States, not merely to emancipate those among them who might succeed in making their escape and coming within our military lines. The important and legitimate object was to present to those still held in duress a strong and proper motive for severing all connection with the insurgents, for abstaining from giving aid and comfort to the insurrection, and for seeking refuge from the superior force which compelled them to give such aid and comfort, by fleeing to that portion of the country where lawful authority prevailed.

Another great principle is involved. Every publicist of repute has set forth (what common sense suggests) as among the most important of national rights and duties, the rule that a nation, especially a nation engaged in war, ought to protect itself not only against immediate but against prospective dangers. Deriving all rights attendant on conquest "from justifiable self-defense," Vattel says:

When the conqueror has subdued a hostile nation he may, if prudence so require, render her incapable of doing mischief with the same ease in future. * * * If the safety of the state lies at stake, our precaution and foresight cannot be extended too far. Must we delay to avert our ruin till it has become inevitable? * * * An injury gives a right to provide for our future safety by depriving the unjust aggressor of the means of injuring us. *a*

If, then, any of our enemy's possessions have been the special agency by which he has been enabled to injure us; if such possessions will still afford him the means to "do us mischief with the same ease in the future;" if thereby "the safety of the state lies at stake," is it not an imperative duty to extend our precaution and foresight into coming years? Are we not bound by every consideration of enlightened statesmanship to "deprive our unjust aggressor of the means of injuring us" hereafter.

The case has not yet been fully stated. Not only have these possessions, in our enemies' hands, been the very sinews of war, but they were the original cause of the insurrection itself. The insurgents themselves, who best know their own motives, tell us this. One of the most honest and intelligent among them, selected as their Vice-President, Alexander H. Stephens, speaking for them before a vast audience at Savannah, a few days after his election, publicly said:

Negro slavery was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this as the rock upon which the old Union would split.

These possessions caused the rebellion. Shall they remain in the hands of the insurgents to cause another? Can they remain in such hands without a certainty of that very result? In other words, can we reconstruct the Republic half free and half slave, yet preserve, under the operation of these conflicting labor systems, permanent peace? Let us take a practical view of this.

Alexander H. Stephens, adverting, in the address already quoted from, to slavery as having been regarded by the leading revolutionary statesmen to be "wrong in principle, socially, morally, and politically," says: "This stone, which was rejected by the first builders, is become the chief stone of the corner in our new edifice." And he adds: "Slavery is the natural and moral (normal?) condition of the negro. This our new government is the first in the history of the world based upon this great physical, philosophical, and moral truth." (b)

a Vattel, Book III, Sec. 201, 44, 45.

b Address of Alexander H. Stephens, already quoted. See Putnam's Rebellion Record, Vol. I, documents p. 45.

This is the creed, self-exponended by its advocates, professed by the Southern slave-holder. Concede its truth, and South Carolina's declaration of independence *a* is a document stamped with forecast and entitled to commendation. Whoever drafted it ran out his premises to their logical results. The convention that adopted it saw their way before them, and did not, like their weak sympathizers in the North, expect incompatibilities.

Having set up their "great philosophical truth," the corner stone of their political system, they saw clearly that they must insure it respect; that they must protect it from attack or condemnation; and they perceived that this could not be done if they maintained fellowship with the North. "The non-slaveholding States," they declare "have denounced as sinful the institution of slavery." This from citizens of the same Republic they cannot permit; nor, except by secession from the non-slaveholding States, can they prevent it. "All hope of remedy"—thus their declaration concludes—"all hope of remedy is rendered vain by the fact that public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief."

Wise in their generation are South Carolina and the States that followed her lead. Building their system of government upon a "great philosophical and moral truth," which (unfortunately, they will say) the rest of the civilized world still regards as a flagrant moral falsehood they can maintain the stability of their political edifice only by debarring all questions, all discussions, that might assault and endanger its foundations. As in despotic monarchies it was found necessary to declare it to be treason, punishable as a capital offense, to question the right divine of kings, so in a slave empire they see it to be indispensable to forbid, on pain of death, all opinions touching the sinfulness, or inconsistency with religion, of slavery. Twenty-five years ago they declared from their places in Congress that, in spite of the Federal Government, every abolitionist they caught should die a felon's death. *b* It was no idle menace, as hundreds of murders for opinion's sake, committed in the South before the war, terribly attest.

Let us not blame the men, except it be for seeking to uphold the monstrous system handed down to them by their forefathers. They must resist the Federal authority to maintain that system. They must violate the constitutional provision which forbids to abridge "the liberty of speech or of the press;" self-defense and its necessities compel them. They found this necessary before the war in order to save slavery from destruction; the necessity will be increased beyond measure if slavery remain after its close. Now that the President's proclamation of emancipation has stirred up, in every Southern plantation, the latent longing for freedom, the dangers to their slave system from propagandism will be increased a hundredfold.

It follows that in this Republic, if reconstructed half slave, half free, no man known to be opposed in principle to slavery will be able to cross Mason and Dixon's line without imminent risk of life. South

a Declaration of Causes which Induced the Secession of South Carolina adopted December 21, 1860. (See Putnam's Rebellion Record, Vol. I, documents pp. 3, 4.)

b Let an abolitionist come within the borders of South Carolina, if we can catch him we will try him, and notwithstanding all the interference of all the governments on earth, including the Federal Government, we will hang him. (Senator Preston in debate in U. S. Senate, January, 1838.)

If chance throw an abolitionist in our way, he may expect a felon's death (Senator Hammond, of South Carolina, in U. S. Senate, 1836.)

of that line the constitutional provision touching the liberty of speech and of the press will remain inoperative. A felon's death will await every resident or traveler in the South who prints or who utters in public or in private any denial that slavery is just and moral, any assertion that religion does not sanction it. The Constitution guarantees the right thus to print, thus to speak. The Federal Government is bound to maintain that constitutional right. But it cannot maintain it in a republic half slave, half free. What then? Can a free Government sustain itself, can a free nation continue to exist under such a state of things as that? Certainly not. The North, now that her spirit is up, would not endure it for a moment. It would inevitably result in war.

Let us pass to another matter. In South Carolina's "declaration of causes" for secession one of the chief (set forth as justifying and necessitating separation) is "the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery." This, it is declared, the slave-holding States cannot permit, because whenever it shall occur "the Federal Government will have become their enemy."

To satisfy a slave-holding South, so that she shall permit us again to unite with her, it is evident that we must do one of two things—either to consent so to amend the Constitution that no man shall be eligible as President "whose opinions and purposes are hostile to slavery," or else make up our minds to a second insurrection the first time a President with such opinions happens to be elected. The constitutional amendment, our first alternative, would be an infamy, if it were a possibility; the second alternative is renewed war.

But the very head and front of our former offending against the South remains yet untouched—the loose manner, to wit, in which she alleges that the fugitive slave law has heretofore been enforced. This, our offense, was so grievous in the eyes of South Carolina that she put it forth in her declaration as the first and in itself the all-sufficient cause for separation; adding, "Thus the constitutional compact has been deliberately broken, and South Carolina is released from her obligation."^a

What chance, even the remotest, is there that, with slavery and freedom in political partnership, this rock of offense will be avoided hereafter? Let us for a moment imagine that the emancipation proclamation had no force in law. Nevertheless, it has been promulgated; its glad tidings have penetrated to the remotest haunts of Southern slavery. To the slave it is a reality. In his heart it has called up the assurance—the fervent hope, at least—that if he can but once elude the vigilance of his master there is yet freedom for him on this side of the grave. That hope once awakened throughout the length and breadth of the insurrectionary States, can it ever again be put to rest? Is it not certain that under its promptings—no matter how firmly we might re-establish slavery by law—these bondmen would cross the border by thousands, for hundreds that have sought refuge among us till now? And when they do pass into that land whose President proclaimed them freemen, and where twenty abolitionists are to be found now for every one who was there on the day Fort Sumter fell, will there be increased cheerfulness, greater willingness to aid in their rendition than there was before the war began? What a mockery is the question! On what a foundation of quicksand do they build who

^a Declaration of Causes, already quoted (Rebellion Record, Vol. I, documents, p. 4).

found their hopes of future peace on the expectation that a fugitive slave law will be more stringently enforced in the future than in the past—on the vain dream that Northern spirit, whether flushed with victory or maddened by defeat, will find no occupation more noble than to pursue and secure poor fugitives deluded by a national promise basely broken, and who had been urged to flight by belief in our humanity and confidence in our truth!

In such a state of feeling, under such a state of things, can we doubt the inevitable results? Shall we escape border raids after fleeing fugitives? No sane man will expect it. Are we to suffer those? We are disgraced! Are we to repel them? It is a renewal of hostilities!

Turn which way we will, slavery is war. There is, in the very nature of things there can be, no security for peace or loyalty from a slave State. The only practicable road to domestic tranquillity open to us now is through emancipation.

But in deciding a matter of such vast gravity as this it behooves us to look to our relations with foreign nations as well as to those between our own States.

That slavery is an element of weakness in war was denied three years ago by those Northern men who were in the habit of regarding it as a sacred thing, which to touch, even in our enemy's hands, was profane. No statesman will deny it now. The rebellion will be put down; through the clouds of war we see already the beginning of the end. But if the 3,000,000 of slaves gradually coming over to us, and swelling the ranks of our liberating armies, had been 3,000,000 of free men, loyal to the South—if the population of the Southern States, without regard to color, had been a unit in this struggle—should we have defeated them in their effort for recognition? If history speak truth, we should not. Never, since the world began, did 3,000,000 people band together, resolutely inspired by the one idea of achieving their independence, yet fail to obtain it. It is not a century since one-third of the number successfully defied Great Britain.

The present is teaching, and the future will teach more clearly still, that slavery is an element of military weakness. We have taught that lesson to Europe. In case of foreign war, with slavery still existing among us, will she fail to remember and to apply it? In such a case will England, will France, will any European power, save, perhaps, lagging Spain, respect an institution which they all regard as a national crime—a crime for which many of them have atoned by repentance and at heavy cost? In the case of foreign hostilities would not Lord Dunmore's proclamation^a be reproduced in a far more dangerous form, with a far more fatal effect?

It is certain that it would. But this is the least of our dangers in such a contingency. In case of a foreign war, with master and slave still constituting a portion of our population, with whom will the master side? With us, the detested Yankees, or with those European potentates, all but publicly invited already to forgive the undutiful doings of 1776, and to send a royal seign to reign over them? b like causes continued produce like results. If we subdue the slave-

^aIn this well-known document, after declaring against all persons who failed to resort to His Majesty's standard, "forfeiture of life and confiscation of lands," Lord Dunmore proceeds: "And I do hereby further declare all indentured servants, negroes or others (appertaining to rebels), free, that are able and willing to bear arms, they joining His Majesty's troops as soon as may be, for the more speedily reducing this colony to a proper sense of their duty to His Majesty's crown and dignity." The proclamation was dated November 7, 1775.

^bSee note on page 194 [338] (chapter on slavery), ante, being the testimony as to this matter of William Howard Russell.

masters, leaving them slave-masters still, can we expect that they will abstain from plotting foreign war, that they may gain by it? And if they succeed in the treasonable plot, can we suppose that they will refrain from seeking their own advantage by an alliance with the enemy?

If we expose ourselves to these dangers, patent to common sense, we shall deserve our fate. To foreign as well as to domestic tranquillity, the only practicable path is through general emancipation.

In other words, as we would hasten by every lawful and proper means the advent of peace; as we would obtain, before this contest closes, a guarantee against its renewal; as we would protect ourselves, by prudent foresight and precaution, against foreign complications involving dismemberment of the Nation—and what duties during war more imperative than these?—we must take and cancel our enemies' claims to service and labor. That service feeds our enemy; that labor supplies his commissariat. Deprived of it, his power to injure us is taken from him. Possessed of it, he remains our enemy—dangerous in peace, still more dangerous in war—while grass grows and water runs.

Is not the grandeur of the object, then, commensurate with the magnitude of the remedy? If that remedy produce temporary disturbance of social and political elements throughout half our country, is not the alternative the dismemberment of that country itself; its loss of unity; its loss of peace; its final decline and fall as one of the great powers of the world?

So far the argument has been one of policy alone; selfish, in one sense, it may be called, since it takes into account the interests of one only out of the two races which inhabit our country—an argument, too, sound and unanswerable if it be, which does not reach the full dignity of the subject; since it has not treated it in its relation to the progress of civilization and humanity, and to the national honor, ever intimately connected with the national life.

Opinions adverse to the lawfulness of slavery have, for a century past, been spreading and swelling into action throughout the civilized world. They have taken practical form and shape—they have become law—till not a nation in Europe, Christian or Mohammedan, Spain alone excepted, stands out against them. England led the way. In 1834 she emancipated all her slaves. King Oscar, of Sweden, followed her example in 1846. Then came Denmark in 1847, France in 1848, Portugal in 1856, the vast empire of Russia in 1862. Finally, with nearly thirty years' experience in English colonies and fifteen years' experience in those of France before her eyes, plain, practical, unimaginative Holland, by a vote in her Chambers of forty-five to seven, gave freedom, with compensation, to her 45,000 slaves—liberating them on the 1st of July last.

The opinions which gave rise to these national acts are gradually finding place among the maxims of international law, as expounded by modern commentators. Phillimore, a reputable authority, says:

There is a kind of property which it is equally unlawful for States as for individuals to possess—property in man. A being endowed with will, intellect, passion, and conscience cannot be acquired and alienated, bought and sold by his fellow-beings, like an inanimate or unreflecting and irresponsible thing. The Christian world has slowly but irrevocably arrived at the attainment of this great truth. * * * The black man is no more capable of being a chattel than the white man. The negro and the European have equal rights. Neither are among the *res pœcæ in commercio* in which it is lawful for States or individuals to traffic. *a.*

a Commentaries upon International Law, by Robert Phillimore, M. P., London, 1853, Vol. I, p. 316.

The United States, prompt in other matters to take part with the foremost and freest nations in asserting the principles of liberty and human rights, have held back behind Europe on the subject of negro emancipation.

The chief reason is, that a regard for law conflicted with a regard for liberty. To the American citizen the Constitution stands in the place occupied, under the monarchical system, by the sovereign person. It is the object of his loyalty. His veneration for the instrument went so far as to influence his perceptions of justice. The majority in the North have always held it to be a great wrong that human beings and their descendants forever should be held in bondage. Up to the time when this war made the slave-holders in eleven States our enemies, we acquiesced in that wrong, lest, in the endeavor to remedy it, greater evils might follow. Though it be true that, before the war, the legality of the slave-holders' claim to service or labor was denied, on humanitarian grounds, yet a construction of the Constitution adverse to such denial, and acquiesced in by the Nation throughout two generations, was held by most men to be sufficient reason why the claim in question should be regarded as private property and respected as such. The majority held to the opinion that it could not be taken except by a violation of the Constitution in other words, by a revolutionary act. They felt that though revolutionary acts become a justifiable remedy upon great occasions, as in 1776, yet they are usually replete with peril; that it is easy to pass the limit of regulated authority, but impossible to estimate the dangers we may encounter when that guardian limit is once transgressed.

That in the minds of many, cupidity, excited sometimes by supposed commercial advantages, sometimes by selfish political calculations came in aid of constitutional scruple, may not be denied, and, so far as that motive prevailed, our complicity as a people is without palliation. But cupidity, commercial or political, was not the dominant motive, nor, but for the restraint of the Constitution, would sordid considerations have prevented the Nation from shaking off the incubus which oppressed it.

Slavery, therefore, moral wrong as it is, was tolerated by the majority as one of the articles in a great national compromise which it was unlawful and perilous to violate. If, before the South had trampled under foot compromise and Constitution, those who directed the Federal Government, taking the initiative, had striven to eradicate the growing evil, the effort would have been vain, for they could not have carried the people with them. To human eyes there seemed, in this generation at least, no way out.

But God, who overrules evil for good, opened the way. They, the chief architects of the great wrong of the age, in whose hands alone seemed to have been left the power to hasten its downfall, have madly persisted in the very course that is leading swiftly and inevitably to that result. In the early stage of the war Congress proposed, and the majority of the Nation expected, as the issue of this contest, a more rehabilitation, with Southern laws and Southern institutions reacknowledged in their pristine form. Again and again warning was given, and the return of the insurgents to their loyal duty on these conditions was urged upon them. But their hearts were hardened, and they would not. By their obstinate perversity they closed the door against themselves. They persevered in their conspiracy against public law until emancipation became an imperative measure of self-defense. They persevered until public opinion,

revolutionized, demanded that measure as the only sure guaranty in the future for national safety and national peace. They, the slave-holders, became the abolitionists of slavery. Let us not take credit to ourselves for generous philanthropy. The South, reckless and blind, was herself the unwitting agent. And thus, in the providence of God, the very effort by armed treason to perpetuate an abuse has given us at once the will and the right to effect its eradication.

The time has come when it is constitutional to redress that abuse. No law restrains us. Henceforth we are responsible, if in the race for human freedom we lag, with Spain, behind the rest of the civilized world. Henceforth we are responsible, before God and man, if, having at last become free to carry out in practice the noble declaration of our forefathers that life, liberty, and the pursuit of happiness are among the inalienable rights of man, we basely refuse or neglect to do so.

We have a greater responsibility still. We are as one having an oath upon his soul. The maxim is well known, that he who legally acts by another is himself the actor. The legal acts of the President are the acts of the Nation. It was the people of the United States who on the 1st day of January, 1863, set free 3,000,000 men. The deed is done; lawfully, righteously done. Its validity is as well established as that of any other public act.

But to establish its validity is to establish the status, as freemen, of every person that was held as a slave in the insurrectionary districts named on the first day of the year 1863, whether he shall have physically escaped from bondage or not. "All persons held as slaves" within these districts, are the words. Is the deed valid? The words stand. Is it invalid? It cannot free a single slave.

The argument, therefore, is unavailing that many of these people are still worked as slaves by persons setting at defiance the constitutional jurisdiction and the national will. A law set at defiance for the time is not thereby abrogated. In disturbed times cases of illegal detention frequently occur. Such are these cases. But, in the eye of the law, the persons thus illegally detained have the rights of freemen, and the radical bayonet must enforce these rights.

Equally unavailing is the allegation, that as the proclamation was but a war measure, and therefore of force and virtue commensurate only with the war, its operation will cease when the immediate necessity which caused and justified it ceases; that is, when peace is restored.

The exigency is as great in peace as in war. There are moral and national, as well as physical necessities. "America," said the great Earl of Chatham, during a memorable debate in the House of Lords in 1770, "was settled upon ideas of liberty."^a In those ideas it was that our fathers founded the Republic. In those ideas alone can we, their descendants, maintain it.

The political necessity that never more, within these United States, shall life-long claims to service and labor be held by inhabitants thereof, will be as great when peace returns as it is now while war rages. Always morally unjust, this property has shown itself to be nationally dangerous. But a species of property that endangers the safety of a nation must not be left in the hands of its citizens, whether in peace or war.

^a W. S. Johnson's report of Chatham's speech, in his letter to Governor Trumbull, of Connecticut, January 10, 1770, quoted by Bancroft in his History of the United States, Vol. VI, p. 828.

Nor can it be pleaded that the taking of this property, vast as is its amount, is an act committed regardless of mercy to the vanquished, an act of harsh severity, much less a deed of plunder; no, nor yet a measure of punishment. Far from offending against any principle of humanity in destroying such property—in other words, in canceling life-long claims to service and labor—the inhumanity would have been to refrain from destroying it.

Nor do we harm the slave claimant, but greatly benefit him, by canceling these claims. In point of fact it is incalculably to his advantage, socially, pecuniarily, politically, to be without them. While he retains them there will be between him and us a lack of the conditions necessary to a true union; there will be no loyal concurrent sentiment of citizenship. But a forced union of States, without the conditions under which alone concurrence of ideas and affections is possible, would be a measure unworthy of a statesman. Slave-holders and freemen can never, in these States, act together in friendship again. Therefore, for his own sake, the slave-holder must cease to be such.

Are we impertinently interfering in his business, arrogantly and improperly assuming to judge what is best for him, when we determine this? Not at all. The business is emphatically our own, for it intimately concerns our national existence. In deciding it as we see fit there is neither impropriety nor arrogance, but proper precaution and prudent foresight. If he had refrained from levying war against his Government he would have had the undoubted right to judge and to act in this affair. As it is, he has lost it; and we have now the right and the power to decide the matter, not he.

But, in the second place, our power is restricted to the abrogation of those claims, and it ceases there. As a trust for a special object is exhausted with the execution of that object, so is the authority of the President, being in the nature of a trust, in this case. His object was to restore and render stable the national unity. To effect that great object, to preserve from permanent dismemberment the country over which he presides, he enfranchised 3,000,000 of its inhabitants. Under this act of his, third parties took vested rights. Under the inducements of this act of his, third parties took refuge within our lines, enlisted in our armies, fought in our battles. We had a right to confer those vested rights; we had a right to present these inducements; we had a right to accept this aid. But having done all this, we have no right to resume what we have granted. We had a right to act; we have no authority to revoke our action. To enslave is not a power under the Constitution. No officer or department of the Government can exercise it. From that stain, at least, we are free. Were it otherwise our Government would be the scorn of the age, a disgrace to Christendom.

We have lost, by our own solemn act, the right henceforth to talk of reconstruction with the "peculiar institution" of the South left intact. Such language is now but a mischievous mystification. If the South conquer, she may, by superior force, hold as slaves those who by our laws are free men. But for us there is no longer in any

^a That the Supreme Court of the United States has no right to sit in judgment upon, or to reverse, a great measure of national policy, is as certain as that the powers of that court are judicial, not legislative. We do not argue this point at length here, because it comes up more appropriately in the section treating of the constitutionality of emancipation in the loyal slave States. There the argument will be found at length, with references to the decisions of that court itself which bear upon this subject.

of the insurrectionary States a peculiar institution to be left intact. We may build up anew that institution in violation of law, it is true, for neither the President, nor Congress, nor any judicial tribunal in the land has any more authority to consign a freedman to slavery than they have to hang him without crime or trial; but we may build it up if we have power enough, or connive at it if we are shameless enough, just as a highwayman may seize a purse or a burglar carry off a basket of silverware.

Whether, when we shall have suffered vanquished treason to dictate her own terms; whether, when we shall have stooped to purchase, not peace, for God's best blessing cannot so be purchased, but a worthless truce, as brief as treacherous, by an act of usurpation that assumes to assign away the liberties of 3,000,000 of free people; whether, when we shall have done this one great thing, we shall have any right to set up for more honest or more virtuous than the felon trader who makes a midnight descent on the Congo coast and steals thence 300 or 400 wretches to crowd the hold of his slave ship—that will be a question to be settled at our leisure with our own consciences.

"The way of the transgressor is hard." It is better to lose fortune than fair fame, and national disgrace is worse than national disaster. A convict, where he is known and remembered as such, may, because of the stain that attaches to him, toil faithfully through half a lifetime ere men take him again by the hand; and a people, stamped by their own public records as lawless and forsworn, may travel a long and a weary road, a reproach to the while, and a byword among nations, ere they can take an honored stand once more among the civilized powers of the earth.

In concluding this branch of the subject we briefly group together the propositions that have been advanced:

The inhabitants of the insurrectionary States are, in contemplation of law, without exception, public enemies.

Property belonging to an enemy may, by the law of nations, be seized by the proper military authority and appropriated or destroyed.

In like manner, claims or debts due by a public enemy to an inhabitant of this country may be seized and canceled.

The claims to service or labor upon which rests negro slavery are, in contemplation of the Constitution, in the nature of debts or choses in action, and may, when held by an enemy, be declared null and void.

These claims, because of the labor which they command, constitute a chief resource of the insurgents for carrying on the war, and therefore essentially tend to protract it; for which reason it is the duty of the Commander-in-Chief to take and cancel them.

The interests growing out of these claims have been the cause of the present insurrection, and there can be no sufficient guaranty for peace while they exist, for which reason, also, it becomes a duty to declare them null and void.

These claims involve a great moral wrong, which the insurrection has made it legal to redress, and we are now responsible as a nation if we fail to redress it by their abrogation.

The President's proclamation of emancipation was legal and righteous; it was the act of the Nation, and cannot lawfully, nor without violating the national faith solemnly pledged, be revoked.

Therefore the emancipation of all the slaves in the insurrectionary portions of the Union was an act legal and irrevocable.

The constitutionality of emancipation in the loyal slave States

As the slave-holders of the insurrectionary States, now at war with the United States, are public enemies, while the slave-holders of Border or non-insurrectionary slave States are friends entitled to the rights of citizens, the question touching the right to confiscate and cancel the claims to service and labor held by the former is essentially a different question, based on different principles, from the question whether we have a constitutional right to take and cancel the same class of claims held by the latter.

In the preceding pages it has been shown that slavery was the cause of the present insurrection; that if slavery be suffered to continue its existence, it will remain a constant menace to the integrity of the Government, and an inevitable source of future war; and that, therefore, prudence and foresight require that, for the sake of the nation's unity and national peace, slavery be forever abolished throughout these United States.

Though the military necessity be more urgent in the insurrectionary States, seeing that every slave taken or escaping from bondage is a laborer less to supply the enemy's commissariat, yet the general proposition is as true of the Border States as of those in rebellion. Indeed, fugitive slave law difficulties, of all others the most likely to bring on a war, would chiefly arise through refugees from Border States.

The slaves of disloyal owners in these States have already been emancipated by act of Congress. There remain in bondage under State laws certainly less than three-quarters of a million, scattered over a long, narrow border strip, bounded on the north by free States and on the south by States whence slavery has been legally banished or else dotted in isolated parishes or counties intermixed with enfranchised slaves.

Can we maintain in perpetuity so anomalous a condition of thing? Clearly not. At every step embarrassments innumerable obstruct progress. No industry, no human sagacity would suffice to determine the ten thousand conflicting questions that must arise out of such chaos. Must the history of each negro be followed back, so as to determine his status, whether slave or free? If negroes emancipated in insurrectionary States are sold as slaves into Border States, or in excepted parishes or counties, can we expect to trace the transaction? If slaves owned in Border States, or in excepted parishes or counties are sold to loyal men in insurrectionary States, are they still slaves or do they become free? Are we to admit or to deny the constitutionality of Border State laws, which arrest and imprison as vagrants, or sell into slavery to pay expenses of arrest and imprisonment, free negro emigrants from insurrectionary States? But why multiply instances? The longer this twilight of groping transition lasts, it will be only confusion the worse confounded.

To respect and to protect such a straggling remnant of slavery would be practically impossible, if it were desirable; and aside from its being an old root of bitterness left in the ground to sprout and bear fruit in the future as it has borne fruit in the past, no freedman can

^a If hereafter Attorney-General Bates' decision, that a free negro is a citizen maintained by the Supreme Court, then, should the question come up before the State laws above referred to will be declared unconstitutional. But meanwhile they have not been so declared, and are in force.
- negro-excluding laws of Indiana and Illinois are in the same category.

be assured of his liberty while there remains a spot within the Union where he can be held as a slave.

If we would act as statesmen, having in view the peace and safety of our country through all future time, we must meet the great difficulty before us broadly, effectually, honestly, and in accordance with the dictates of Christianity and civilization. The demands of honor coincide with the conditions of safety. To satisfy both we have a great duty to perform. It is to follow the noble example of England and France, and Sweden and Denmark, and Portugal and Russia, and Holland. It is to enact, not merely that all persons held as slaves, who happened on the 1st of January, 1863, to be within certain insurrectionary limits, shall be free—thus leaving a narrow belt of slavery to divide our country in two, and to separate the freed States of the South from the free States of the North; it is not merely to carry out this fragmentary and imperfect scheme; it is not to do for the cause of humanity, only what we cannot help doing; it is not merely to deprive the enemy in this present war of the means that augment his strength, and enable him to protract the contest; it is by taking a brave, bold stand for human liberty, irrespective of race or color, to lay deep and firm the foundations of that domestic tranquillity which endures from generation to generation, only for those nations whose people walk in the paths of justice and mercy, approved in the sight of God and man.

It is to enact once and forever the emancipation of every slave that treads the soil of the United States. In the progress of this insurrectionary upheaval we have reached a point at which there is neither honorable nor prudent alternative left.

Does any constitutional difficulty stand in the way?

The law or custom of all civilized nations, based on considerations of public utility, authorizes the taking of private property with just compensation for public use, when important public interests demand it. We are familiar with the operations of such a rule. When a conflagration in a city threatens to spread far, houses in the line of its progress may be seized and destroyed by the authorities in order to arrest it; and the owners are not held to have been wronged, if they are paid for such losses under an equitable appraisement. The opening of a street in improving a city, the running of a railroad, are held in this and other countries to be objects of sufficient importance to justify what the French law calls *Appropriation forcée pour cause d'utilité publique*.

This principle is expressly recognized by the Constitution. In that instrument there is an admission of the right to take private property, with just compensation made, for public use.^a And it will not be argued that a claim of one inhabitant of the United States to the service of another, whether for a term of years or for life, is a species of property which has been constitutionally exempted from such appropriation. It is evident that if a claim to the service of a slave cannot constitutionally be so taken and canceled, neither can the claim to the service of an apprentice.

Thus the right to declare compensated emancipation in the United States is clear, provided important public interests demand it. But we have already shown that the public interests demanding such a measure in this case are the highest and the most vital that ever presented themselves to the councils of a nation.

^a Amendments to the Constitution, Art. V.

The right referred to is vested in the National Legislature. technical proof of this be demanded it is to be found in a few propositions:

1. The Constitution (section 8) confers on Congress certain essential powers; as to collect taxes, without which no Government can be supported.

2. The Constitution (same section) authorizes Congress to "make all laws that shall be necessary and proper for carrying into execution" those powers.

3. An insurrection extending over eleven of the United States prevents, throughout a considerable portion of the Union, the possibility of carrying into execution the essential powers thus granted Congress.

4. Because of the resistance offered by the insurrectionary States to these constitutional powers, it becomes the duty of Congress to pass all laws that are necessary and proper, not only, by successfully terminating the war, to enforce these powers in the present, but to secure their supremacy in the future; in other words, to insure permanent obedience to the laws, thus averting anarchy.

All this will be conceded; but a question remains, who is to judge what laws are necessary and proper to carry into execution the powers expressly conferred on Congress by the Constitution, and which are thus obstructed and defeated?

Or, to put directly the case in point, if Congress, sharing the deep conviction that has come over the Nation as this contest proceeds, should reach the conclusion that there is no effectual means to secure throughout the future, peaceful obedience to the laws, except the eradication of slavery, and should act accordingly, is such action constitutional and final? In the selection of the means to effect the constitutional object, is Congress the sole judge of their propriety and necessity? Or is the question as to the fitness of these means judicial as well as a legislative question?

We must discriminate here. It would undoubtedly be competent for the Supreme Court, if the question came legitimately before it, to decide in any special case whether Congress has the right, under the Constitution, to take private property, with just compensation, for public use. That is a judicial question. But when a vast system of claims is to be thus taken for a great political end—when this is done as the only effectual means to preserve the integrity of the Union, or to bring a war to a successful issue or to establish lasting peace, or when the matter to be decided is, whether this taking is the most wise or appropriate means to secure these all-important objects—that is a question of statesmanship, of governmental discretion, of political expediency, and therefore purely legislative. It is not competent for the Supreme Court to sit in judgment on the wisdom of a great measure of national policy.

Whenever the judicial branch of the Government assumes and is permitted to exercise such a power, the Government itself will be in the hands, not of the representatives of the people, elected by the people, but of a few men (at the present time only), nominated by the President, confirmed by the Senate, and holding their offices for life.

The trust which, by the Constitution, is committed to the personal judgment and discretion of the National Legislature, and for which the members of that legislature are responsible only to their constituents, the people, will have been usurped by another branch of the Government to which the Constitution assigns no such trust and grants no such discretion.

Nothing would be more radically subversive of our institutions than such a usurpation of jurisdiction. If it were consummated, we should be living under an oligarchy, not under a republic.

But we need be under no apprehension that it ever will be. The Supreme Court itself, speaking by the mouth of one of its most distinguished presiding officers, has expressly disclaimed the possession of any such authority.

In the well-known case of *McCulloch* against the State of Maryland, *a* Chief Justice Marshall delivered the decision of the Supreme Court; and by that decision the following principles were established:

1. The construction of the words "necessary and proper," as employed by the framers of the Constitution in the above connection. The Chief Justice says:

The term "necessary" does not import an absolute physical necessity so strong that one thing to which another may be termed necessary cannot exist without that other.

2. As to the degree of the necessity which renders constitutional a law framed to carry a constitutional power into execution, the rule by this decision is:

If a certain means to carry into effect any of the powers expressly given by the Constitution to the Government of the Union be an appropriate measure, not prohibited by the Constitution, the degree of its necessity is a question of legislative discretion, not of judicial cognizance.

3. But still more explicitly is the question answered, who is to be the judge of the appropriateness and necessity of the means to be employed, thus:

The Government which has a right to do an act, and has imposed upon it the duty of performing that act, must, according to the dictates of reason, be allowed to select the means.

Thus, then, the matter stands: The powers to lay and collect taxes, to exercise authority over forts and arsenals of the United States, to suppress insurrection, and various others equally essential, are expressly given by the Constitution to Congress. It is the right and duty of Congress to carry these powers into effect. In case of obstruction or defeat of existing laws framed to that intent, it is the right and duty of Congress to select such means and pass such additional laws as may be necessary and proper to overcome such obstruction and enforce obedience to such laws. Those means must not be prohibited by the Constitution; but whether they are the most prudent or the most effectual means, or in what degree they are necessary, are matters over which the Supreme Court has no jurisdiction. As Chief Justice Marshall has elsewhere in this decision expressed it, for the Supreme Court to undertake to inquire into the degree of their necessity "would be to pass the line which circumscribes the judicial department and to tread on legislative ground."

There must, of course, be congruity or relevancy between the power to be enforced and the means proposed to enforce it. While Congress is to judge the degree of necessity or propriety of these means, they must not be such as to be devoid of obvious connection with the object to be attained.

In this case the objects to be attained are the enforcement of the laws, the suppression of the rebellion, the restoration and preservation of peace, and the maintenance of the national unity.

a February term, 1810; 4 Wheaton's Rep., 316. Unwilling here to multiply words, I pay reference to the decision itself.

But these laws are resisted, and this insurrection prevails, and the national unity is violated in those States, and in those States only, which the life-long claims to the service or labor of persons of African descent are held under State laws. In States where these claims are comparatively few, as in Delaware, Maryland, Missouri, disaffection only prevails, while in States where the number of slaves approaches or exceeds that of whites, as in South Carolina, Alabama, Georgia, insurrection against lawful authority is flagrant and outspoken, the insurrectionary acts of these States being avowed based on the allegation that slavery is not safe under the present constitutionally elected President, and that its permanent preservation can be insured by the disruption of the national unity alone.

All this is matter of history. And there would be as much propriety in denying the connection between the sun and the light-day as that between slavery and the rebellion.

This point settled, nothing remains to be determined except the question whether, under existing circumstances, emancipation be not the policy most fitting and wise—the policy best calculated to assure in the future the peaceful execution of the law. And this “according to the dictates of reason” (to repeat Chief Justice Marshall’s words), must be left to Congress to decide. If Congress believes that emancipation is no longer a question of sectional interference, but of national preservation, it has the right to judge of the constitutional right to act upon that judgment. If Congress believes that, in order to enforce law and suppress insurrection, it is necessary and proper to take and cancel all claims to lifelong service or labor held in the slave States, and if claims to service or labor whether for years or for life, held by one inhabitant of the United States against another, be a species of property not specially exempt by the Constitution from seizure for public use, then an act of uncompensated emancipation is strictly constitutional.

In proceeding to consummate this measure it is evidently fit and proper that, in the preamble to such an act, there should be plainly set forth the causes and considerations which impelled to so solemn and momentous a decision.

The substance of the argument here made amounts to this—that as to the claims to service or labor by persons of African descent held by inhabitants of insurrectionary States or by disloyal inhabitants of other States, it is lawful to confiscate and cancel them without compensation; while, as to such claims held by loyal men in non-insurrectionary States, it is legal to take them, making compensation.

In other words, in the former case uncompensated emancipation; the latter, compensated emancipation, is in accordance with law and permitted by the Constitution.

That is the legal aspect. In a humanitarian view, emancipation is one of the highest duties of Christian civilization.

CHAPTER III.

The Future in the United States of the African Race.

Among the problems connected with the future destiny of this country, this is one of the most important. And on no other general national question have more erroneous ideas prevailed, both among

^a The official proof of this assertion has already been furnished.

ourselves and among those who have looked on, even with favoring eyes, watching the progress of our republican experiment.

There are evils so vast and radical that nothing short of a bloody revolution has hitherto been found sufficient to extirpate them. So the eradication of slavery throughout a country containing 4,000,000 of slaves, estimated by their masters as property worth \$1,200,000,000 or \$1,500,000,000. So (a difficulty greater still) the eradication of that prejudice of race and color which first suggested to the cupidity of white men the exaction of forced labor from negroes, and has ever since been fed and fostered through the influence of the abuse to which it gave birth.

Such a revolution may bring about changes of national opinion and national condition which wise and philosophical writers had pronounced to be beyond the limits of possibility. Thus De Tocqueville, when, in his work on *American Democracy*, he said:

To induce the whites to abandon the opinion they have conceived of the moral and intellectual inferiority of their former slaves the negroes must change, but as long as this opinion exists they cannot change.^a

This would make the future of the American negro, free or slave, absolutely hopeless; but no absolutely hopeless future exists, under the economy of God, in this world of progress.

There never were good reasons for saying this. But to say it to-day would be far more inexcusable than to have said it when De Tocqueville wrote. We have gathered, during the vast upheavals of the last three years, such experience as ages of undisturbed monotony might fail to furnish. Events have occurred which no human foresight could anticipate. Contingencies have arisen which not only convulse our political world, but stir to their foundations the social elements of society around us.

The whites have changed, and are still rapidly changing, their opinion of the negro. And the negro, in his new condition as freedman, is himself, to some extent, a changed being. No one circumstance has tended so much to these results as the display of manhood in negro soldiers. Though there are higher qualities than strength and physical courage, yet, in our present stage of civilization, there are no qualities which command from the masses more respect.

But De Tocqueville could never have imagined, even as a remote possibility, the raising and equipping in the United States of 100,000 negro troops.

His anticipations turned in a different direction. He did not look forward to an insurrection of the whites against the Government; he predicted an insurrection of slaves against their masters. He predicted, further, that emancipation itself would not avert this catastrophe; but this last prediction was based upon the assumption that, free or slave, the whites would never accord to the blacks their civil rights. He says:

I am obliged to confess that I do not regard the abolition of slavery as a mean of warding off the struggle of the two races in the Southern States. The negro

^a *Democracy in America*, by Alexis de Tocqueville (Cambridge edition, 1892), Vol. I, p. 459.

De Tocqueville's chapter on the black population of the United States is one of the saddest and dreariest ever penned by a statesman. How just his observation (p. 457) that "of all the ills which threaten the future of the Union, the most formidable arises from the presence of a black population upon its territory." He saw the impending danger. Is it strange that, living when he did, he could not see the way out?

may long remain slaves without complaining; but if they are once raised to the level of freemen they will soon revolt at being deprived of almost all their civil rights.^a

If De Tocqueville's premises were just, we might admit his conclusion. We cannot expect, in a democratic republic, to maintain domestic tranquillity if we deprive millions of freemen of their civil rights.

Public opinion may not, at the present time, have reached this conviction, but it is fast approaching it. Three-fourths of the State might not to-day, but ere long they will, pass some such amendment to the Constitution as this: "Slavery shall not be permitted, and no discrimination shall be made, as to the civil or political rights of persons, because of color."

Whenever we shall have so amended the Constitution, the path before us will be plain and safe. But short of entire justice there is no permanent security.

In the immediate exigencies of our present situation is to be found strong additional motive for such an act. In withholding from the freedman his civil and political rights we leave disfranchised, at a critical juncture, 4,000,000 of the most loyal portion of our population. Besides the essential injustice of this, its political results might be of a serious and disastrous character. We need the negro not only as a soldier to aid in quelling the rebellion, but as a loyal citizen to assist in reconstructing on a permanently peaceful and orderly basis the insurrectionary States.

In view of such considerations the Commission regard it of great importance that, before receiving back into political fellowship the insurgent portions of the Union, it should be legally established as one of the principles imperative in reconstruction that, in the constitutions of the States when taken back, all freemen shall be secured in equal rights, thus practically carrying out the section of the Constitution which provides that the United States shall guarantee to every State a republican form of government.^b

Aside from any special consideration, however, what, in a general way, may we expect from the freedman if we assure to him his rights? We repeat here, as fully confirmed by all our subsequent experience, what we said nine months ago in our preliminary report:

The observations of the Commission in the sections of country visited by them, together with the evidence obtained from those having most experience among freedmen, justify the conclusion that the African race, as found among us, lacks no essential aptitude for civilization. In a general way the negro yields willingly to its restraints, and enters upon its duties, not with alacrity only, but with evident pride and increase of self-respect. His personal rights as a freedman once recognized in law and assured in practice, there is little reason to doubt that he will become a useful member of the great industrial family of nations. Once released from the disabilities of bondage, he will somewhere find, and will maintain, his own appropriate social position.^c

What that precise position will be, whether we shall find a fair proportion of our colored population worthy competitors with whites in departments of art and science and literature, we have, at this time, no means of determining. The essential is, that the enfranchised negro is as capable of taking care of himself and his family as any other portion of our people. On no one point have the Commission found more convincing testimony than on this.

^a Democracy in America, Vol. I, p. 486.

^b In Supplementary Report B will be found further considerations touching this matter.

^c Preliminary Report of the Commission, p. 34. [Vol. III, this series, p. 450.]

In the cities of New Orleans, Washington, Baltimore, Louisville, Saint Louis, and elsewhere the Commission found a numerous free colored population supporting themselves under grievous and depressing disabilities,^a without any aid whatever even from those legal sources appointed for the relief of indigent whites.^b They are not admitted to almshouses. They obtain no county or parish relief. Scarcely any beggars are found among them. Like the Quakers, they maintain their own poor. When a case occurs in which a family is unable to meet the expenses of sickness, or perhaps the cost of a funeral, it is among themselves alone that a subscription paper, usually called a "pony purse," passes in aid of the sufferers. A most striking incident illustrative of this peculiarity among them came to the knowledge of the Commission when visiting Saint Louis. At the commencement of the war there were about 5,000 free colored people in that city. During a portion of the years 1861 and 1862, in consequence of the disturbed condition of Missouri and the frequent raids which desolated that State, great distress prevailed, and many persons from the country, both white and colored, took refuge in Saint Louis. Wages fell to 25 cents a day, and even at that low rate labor was scarce. Under these circumstances the suffering was so general that great exertions were made for its relief. For many months throughout these two years the city expended \$200 a month to keep the unemployed from starving, and in the winter season from freezing. The Provident Association spent \$5,000; the Society of St. Vincent de Paul \$10,000. Private individuals contributed largely. In the management of these various charities no discrimination was made as to color. The total number relieved was about 10,000, and out of that number two persons only were colored. There were but two applications for relief from colored persons, both women; one bedridden, the other a cripple. These facts were communicated to the Commission by the register of the city of Saint Louis—a gentleman who was himself one of the managers in the distribution of the relief funds referred to.^c The testimony of all the gentlemen concerned in the management of the various relief societies was, he said, to the same effect, that "the colored people asked for nothing." The same was found true among the free negroes in Canada West, as will be seen by examining the supplementary report of one of the members of the Commission, who visited that country and took voluminous testimony as to the character and condition of the refugees who have settled there.^d

It would be difficult to find stronger proof of the ability and willingness of poor blacks to maintain themselves than is shown in cases

^a Mr. James Speed, an eminent lawyer of Louisville, testified: "We have a law which makes it felony for a free negro to go out of the State and return to it; but I have never known a conviction under it here. I have heard of two prosecutions under it in another part of the State, of which one resulted in a conviction." (Testimony taken in Kentucky, p. 29.) [Here omitted.]

Washington Spalding (colored) deposed: "The mother of a young colored man who lived here (in Louisville) moved across the river, and being on her deathbed sent for him; but on account of the law he could not go, and did not attend the funeral." (Testimony taken in Kentucky, p. 78.)

Another law, equally oppressive, prevailing and enforced in Kentucky and other slave States, is that no free colored man shall keep a store or shop of any kind, or a tavern. What an unheard of disability would a white man consider such a prohibition as that?

^b Of this abundant proof will be found throughout the testimony accompanying this report.

^c Testimony of R. A. Watt, city register of Saint Louis. See Testimony taken by the Commission in Kentucky, Tennessee, and Missouri, pp. 145, 146.

^d Supplemental Report A, on the Refugees in Canada West, by S. G. Howe, pp. 60, 102 of printed report.

where they "hire themselves," as it is called, and still pay their way. We have given two examples of this in the chapter on "Slavery;" and they but represent hundreds of similar cases to be found in the chief cities of the South. In the one, it will be remembered, mother paid \$260 a year to be allowed the privilege of supporting herself and two children by washing. What white washerwoman would like to undertake that? In the other case, a man and his wife paid \$372 a year, throughout eleven years, for permission to labor and to feed and clothe their children until they were old enough to work; and then they were taken from them. How few white laborers would stand up at all under the burden of such a capitation tax! How few, under circumstances of such cruel discouragement, would have maintained, as these two slaves did, a comfortable home, tidily kept, and children clean, well clad, and thriving?

One hears current among slave-holders the assertion that negroes emancipated and left to themselves are worthless and helpless, and are sure in the end to become a burden on the community. But the Commission has not found in a single locality occupied by numbers of free negroes proof that there is any truth in such an opinion; on the contrary, the actual facts are all against it. In many free States colored immigrants are required by law to give bond that they will not become a county charge. There is no class of day laborers from whom, with equal justice, the same demand might not be made.

There came to the knowledge of the Commission in New Orleans a fact which, more strikingly perhaps than any other they have met with, bears testimony to the ability of the colored population, when emancipated, to take care of themselves.

The Commission ascertained that the free colored people of Louisiana, in the year 1860, paid taxes on an assessment of \$12,000,000. But by the census of 1860 the free colored population of that State is put at 18,647. This would give an average for each person of about \$700 of property.

It is probable, however, that the actual average is considerably less than this. Those best informed on the subject expressed to a member of the Commission who visited New Orleans the opinion that the census return was below the truth, and that in 1860 there were probably in Louisiana 25,000 free colored persons. Assuming this to be the actual number, then the average wealth of each is \$520.

But the average amount of property to each person throughout the loyal free States is estimated at \$484 only. It follows that the free colored people of Louisiana are, on the average, richer by 7½ per cent. than the people of the Northern States.^b And this occurs, it should be remembered, under many civil disabilities, which are a great pecuniary injury—seriously restricting the means of accumulating property.

It is not only as individuals, but, so far as they have had opportunity to show it, in a collective capacity, that these people appear to manage well. We have the following testimony from a well-known and respected citizen of Louisville:

Question. Throughout the State do the colored people manage their own church affairs?

Answer. Entirely. Nobody has anything to do with them but themselves. Here is a curious fact to show what their capacity is. A great many of the

^a See p. 180 [335], *et seq.*, *ante*.

^b See, in connection with this subject, Supplementary Report of the Commission, B, by James McKaye. See also, for the above estimates of average wealth and population, National Almanac for 1863, pp. 147 and 309. The average wealth in Great Britain and Ireland is \$707 for each person. (Same almanac, p. 146.)

churches now owned by them had been failures in the hands of white people. The negroes bought and paid for them, and have improved them very much since the purchase. Mr. Adams' church is a much finer one now than when we sold it to them. Mr. Smettern's church was built by white people who were not able to pay for it, and was then bought by the negroes. Nobody would suppose it now to be the same house, its appearance is so much changed for the better. And that is very common. They have much taste about such things.^a

Upon the whole, no fear is more groundless than that the result of emancipation will be to throw the negroes as a burden on the community.

There is another popular idea in regard to the effect of emancipation, which has been used for political effect. This idea is based on an imaginary state of things, which happens to be the very reverse of the truth. It is alleged that so soon as the negroes are freed they will swarm to the North in search of work, and thus become the competitors of the laboring whites. Beyond all doubt they have a right to do this; and if they did, no just man would complain of it. But, in point of fact, no such thing will happen, unless emancipation be denied.

We repeat here, as applicable to the entire negro population of this continent, what we predicated in our preliminary report of the freedmen of South Carolina.

There is no disposition in these people to go North. General Saxton, who has had 18,000 freedmen under his care, offered them papers for that purpose, but not one availed himself of the offer. They are equally averse to the idea of emigrating to Africa.^b These feelings are universal among them. The local attachments of the negro are eminently strong, and the Southern climate suits him far better than ours. If slavery be re-established in the insurrectionary States the North will indeed be flooded with fugitives fleeing from bondage, and the fears of competition in labor sought to be excited in the minds of Northern workingmen will then have some plausible foundation. But if emancipation be carried out, the stream of negro emigration will be from the North to the South, not from the South to the Northern States. The only attraction which the North, with its winters of snow and ice, offers to the negro is that it is free soil. Let the South once offer the same attraction, and the temptation of its genial climate, coupled with the fact that there the blacks almost equal the whites in number, will be irresistible. A few years will probably see half the free negro population now residing among us crossing Mason and Dixon's line to join the emancipated freedmen of the South."^c

This is a practical illustration of an important principle, to wit, that a primary law governing the voluntary movements of peoples is that of thermal lines.

The Commission found overwhelming evidence as to the truth of the above opinion in Canada West. Among the refugees there, there is not a single feeling so strong, or so nearly universal, as their longing to return to the Southern land of their birth at the earliest moment when they shall be assured that it is purged from slavery. One of the Commission says, in his supplemental report already referred to:

If slavery is utterly abolished in the United States, no more colored people will emigrate to Canada, and most of those now there will soon leave it.

There can be no doubt about this. Among the hundreds who spoke about it, only one dissented from the strong expression of desire to "go home." In their

^a Testimony of Dr. T. S. Bell. See Testimony taken by the Commission in Kentucky, p. 17.

^b Since writing the above the following testimony was taken by the Commission in Louisville:

Colonel Hodges, who had lived all his life among slaves, deposed: "The State of Kentucky has appropriated \$5,000 a year for several years to aid the Colonization Society in sending off the free blacks, but they have never been able to get more than two to apply." (Testimony taken in Kentucky, p. 104.)

^c Preliminary Report, pp. 18 and 14. [Vol. III, this series, p. 436.]

belief, too, they agreed with the Rev. Mr. Kinnard, one of their clergy, who said to us:

If freedom is established in the United States, there will be one great blue streak reaching from here to the uttermost parts of the South.^a

Even those who by years of toil have obtained comfortable, well stocked farms, worth \$10,000 or \$20,000, avowed their determination to abandon all—to sell out and depart as soon as they could do so without imperiling their personal freedom.

Emancipation will directly tend to denude the North of its negro population. One circumstance that will materially hasten this result is, that the personal prejudice against negroes as a race is stronger in the Northern than in the Southern States, and at least as strong in Canada as in any portion of the Union. Of this our Commission had abundant proof.

Mr. George Brown, a member of the Canadian Parliament, deposed before the Commission:

I think the prejudice against the colored people is stronger here than in the States.^b

Mr. Sinclair, of Chatham, Canada West, said:

Many of the colored people, even in this town, say that if they could have the same privileges in the States that they have here they would not remain here moment. * * * In this county there is one township (that of Orford) where no colored man is allowed to settle.^c

The colored people of Canada themselves testified to the same effect. Mrs. Brown, of Saint Catharine's, deposed:

I find more prejudice here than I did in York State. When I was at home could go anywhere; but here, my goodness! you get an insult on every side.^d

Mrs. Susan Boggs (colored), also of Saint Catharine's, said:

If it was not for the Queen's law we would be mobbed here, and could not stay in this house. The prejudice is a great deal worse here than it is in the States.^e

A colored woman living in a cabin near Colechester said "she was from Virginia, and the prejudice was 'a heap' stronger in Canada than at home." "The people," she added, "seemed to think the blacks weren't folks anyway." She was anxious to go back.^f The home of the American negro is in the Southern States. Let it be made a free home, and he will seek, he will desire, no other.

Whether as a freedman in a Southern home the negro will live down the cruel prejudice which has followed him, increasing in virulence to a British province, some, with De Toqueville, will continue to doubt. But powerful agencies are at work in his favor, some of terrible character. Such were the New York riots. Such, more recently were the atrocities committed at Fort Pillow.

We have found ourselves called upon to interpose in favor of the outraged and the unprotected. But such interposition tends to create, even in minds of ordinary sensibility, good will and sympathy toward the sufferers whom one interposes to protect.

It will have a tendency to increase harmony between the two races if the colored people, whether in the North or the South, refrain from settling in colonies or suburbs by themselves, for such separation tends to keep up alienation of feeling and to nourish the prejudices of race. They will do well, therefore, to mingle their dwellings or farms with those of the whites, for the effect of this will be to take off the edge of national prejudice and weaken the feeling which regards them as a separate and alien race.^g

^a Supplemental Report A, on Refugees in Canada West, p. 28.

^b Supplemental Report A, p. 43.

^c Supplemental Report A, p. 68.

^d *Ibid.*, p. 44.

^e *Ibid.*, p. 45.

^f Supplemental Report A, pp. 62, 69.

Some may believe that the effect of such commingling will be to introduce amalgamation between the races; others, that such amalgamation is the natural and proper solution of the problem. We believe neither the one nor the other.

In the first place, such evidence in this matter as the Commission have obtained goes to show that, at least in a Northern climate, the mixed race is inferior in physical power and in health to the pure race, black or white. A member of our Commission carefully investigated the condition of the refugees of mixed blood in Canada, and took evidence as to their health, physical stamina, and power of increase. He found them mostly of lymphatic temperament, with marks of serofulous or strumous disposition, as shown in the pulpy appearance of portions of the face and neck, in the spongy gums, and glistening teeth. There is a general prevalence of phthisical diseases.^a

Doctor Mack, of Saint Catharine's, testified:

The mixed race are the most unhealthy, and the pure blacks the least so. The disease they suffer most from is pulmonary. Where there is not real tubercular affection of the lungs, there are bronchitis and pulmonary affections. I have the idea that they die out when mixed, and that this climate will completely efface them. I think the pure blacks will live.^b

General Tullock, of the British Army, one of the authors of four volumes of military statistics, writes to one of the members of our Commission:

The mulatto race are seldom employed in our army, chiefly owing to the want of that physical stamina which renders the pure negro better fitted for the duties of a soldier or a laborer.^c

Doctor Fisher, of Malden, Canada, thinks that the mulattoes of Canada cannot maintain their numbers without assistance from emigration.^d

This is in accordance with the census returns of the free colored population in some of the Northern States, where most of them are of mixed blood. A member of the Commission gives in his supplemental report a table of the births, marriages, and deaths among the colored population of Boston for eight years, namely, from 1855 to 1862, both inclusive. It shows 304 births, 316 marriages, and 500 deaths. In every one of these years the deaths exceeded the births, and in 1855, 1858, and 1860 the births were less than the marriages. This is the more remarkable when we take into account what the registrar of the city, in furnishing the above table, states, namely, that the number of marriages among the colored people was 50 per cent. more in proportion to population than among the whites, being among the former 1 in 58, and among the latter only 1 in 87.54.^e

The United States census for 1860 shows in several of the other States similar results. In Providence the deaths among the free colored are over 4 per cent. a year. In Philadelphia, during the six months preceding the census, there were among these people 148 births to 306 deaths, the deaths being more than double the births.^f The same census shows that the total free colored population of the Union has increased about 1 per cent. a year during the last decade; and this includes slaves liberated and slaves escaped from their masters during that period. The actual rate of natural increase is certainly less than half that of the slaves, which, from 1850 to 1860, was 23.38 per cent.—say 2½ per cent. annually.

^a Supplemental Report A, p. 21.

^b *Ibid.*, p. 23.

^c Supplemental Report A, p. 26.

^d *Ibid.*, p. 26.

^e Supplemental Report A, pp. 23, 24.

^f Preliminary Report on the Eighth Census, 1860, p. 6.

It is sometimes inferred from this that the slaves live in greater comfort than the free colored people, and that the latter cannot take as good care of themselves as masters take of their slaves. But the facts which have come to our knowledge touching the actual condition of these two classes, the slave and the free colored, are wholly in variance with any such conclusion. We believe the chief reason for the small rate of increase to be, that the proportion of mulattoes among the free colored is much greater than among slaves; and that the mulattoes, certainly in northern latitudes, are less healthy and prolific than the pure blacks.

In support of the opinion that the same may be predicated of these two classes in Southern States, it may be alleged that a cold climate is, in all probability, as little suited to the pure black originally from the torrid zones of Africa as to the mulatto, with a cross of Anglo-Saxon blood; and that if, in such a climate, the mortality among the mixed race is greater than among pure blacks, the climate is not likely to be the sole cause.

It is certain, however, that, both as regards blacks and mulattoes their mortality, as compared with whites, essentially depends upon climate. As this is an important matter, the Commission has spent considerable time and labor in collecting reliable statistics which throw light upon it. The following table, the most exhaustive summary, probably, that has yet been made public in connection with this subject, was carefully made up from the materials obtained:

Table of comparative mortality among white and colored persons in eleven cities of the United States.

Place.	Period.	Number of years.	Summary of annual population.		Number of deaths.		Population to one death.	
			White.	Colored.	White.	Colored.	White.	Colored.
Boston.....	1725 to 1774..... 1855 to 1859; 1861 and 1862.	57	689,000 1,188,452	50,500 15,020	23,750 27,522	1,000 500	26.10 43.18	14.01 31.24
New Bedford...	1801-02-03.....	3	65,250	4,740	1,550	170	42.00	26.51
Providence.....	1840 to 1853.....	24	953,028	55,940	20,744	1,309	40.25	27.06
New York.....	1821, 24-29, 31-36, 38-42.	38	16,427,468	531,614	479,870	20,428	32.14	25.80
Buffalo.....	1854-58, 62-63.....	7	536,582	5,100	11,013	120	37.80	45.55
Philadelphia.....	1821 to 1862.....	42	12,469,457	750,906	260,821	26,807	40.23	28.45
Baltimore.....	1818, 24-25, 27-29, 33-34, 36-63.	38	1,201,470	850,925	107,023	20,661	30.00	32.34
Washington.....	1849 to 1860.....	12	465,751	120,305	8,800	2,723	51.88	40.00
Charleston.....	1828 to 1857.....	30	467,760	523,590	13,045	10,808	32.83	31.09
New Orleans.....	1849-50, 1856, and two-thirds of 1855; 1860.	4½	547,623	121,540	32,143	6,277	17.04	10.51
Memphis.....	1851 to 1853.....	3	24,120	8,043	1,400	428	17.17	18.70
Total.....			37,104,870	3,031,173	1,001,208	106,217	37.57	28.54

Population to one death:

White.....	Per cent.
Colored.....	2.000
	3.503

^a This being the sole exception among Northern cities, to what seems the general rule, to wit, that the mortality among blacks is much greater than among whites, we may reasonably suppose some inaccuracy in returns.

^b The great apparent salubrity among both classes in Washington is not, probably, to be ascribed either to the climate or the mode of life, but to the fact that a large proportion of the population are mere sojourners there for a few years, during the working period of life when the rate of mortality is lowest.

^c In this they have been greatly aided by Dr. Edward Jarvis, of Boston. That gentleman not only kindly opened to the Commission the treasures of his valuable statistical library, but has personally superintended some of the researches touching this matter. Some of the results obtained will be found in Supplementary Report A.

The total sum of white lives upon which the above calculations are based is, as will be observed, upward of 37,000,000; of colored lives upward of 3,000,000; while the deaths among whites are over 1,000,000, and among the colored over 100,000. The general inference from records on so large a scale may be taken as substantially correct, even if we admit the probability of partial inaccuracies in some of the returns.

Thus we reach several interesting facts. The rate of annual deaths among the whites is less than $2\frac{1}{2}$ per cent., or about one to every 37 of the living; among the colored about $3\frac{1}{2}$ per cent., or one in every 28 (or, exactly, one in 37.57 whites against one in 28.54 colored).

We remark, further, that the mortality diminishes as we approach our own time, in Boston especially. In that city, between 1725 and 1774, the average annual mortality was among whites one in 29.10, and among colored one in 14.9; whereas, from 1855 to 1862, it was but one in 43 among whites, and one in 31 among colored. This accords with the well-known fact that the average length of life in the United States is greater in this century than it was in the last.

Again, the table shows that the mortality among blacks in the Northern cities is considerably greater than among whites, while in the Southern cities it averages about the same.

As the returns from which this table is compiled do not distinguish between blacks and mulattoes, it gives us no information as to the relative mortality among these two classes. On that point it behooves us to abstain from confident generalizing in the absence of more exact and more extended statistical data. This, however, we may say: It would appear that there are certain races of men, the cross between which produces a race quite equal to either of the progenitors. This is said to be true of the Turk and the African. It may be that the Anglo-Saxon and the African, extreme varieties, are less suited to each other, and that the mixed race degenerates. Indeed, so far as a limited range of facts go, there seems a probability in favor of the opinion expressed by a member of the Commission that "the mulatto, considered in his animal nature, lacks the innervation and spring of the pure blacks and whites," and that "the organic inferiority is shown in less power of resisting destructive agencies; in less fecundity and less longevity."^a

If this be so, then amalgamation of these two races is in itself a physical evil injurious to both; a practice which ought to be discouraged by public opinion, and avoided by all who consider it a duty, as parents, to transmit to their offspring the best conditions for sound health and physical well-being. Like other evils of the kind, however, this is beyond the legitimate reach of legislation.

The Commission believe that the effect of general emancipation will be to discourage amalgamation. It is rare in Canada, and public opinion there, among blacks as well as whites, is against it.

Bishop Green, of the Methodist Church, Canada, deposed:

You do not see any of our respectable people here marrying any persons but their own associates.

John Kinney, an intelligent colored man, said:

The majority of the colored people don't like the intermarriage of colored and white people.

Colonel Stevenson said:

The colored people don't like to have one of their color marry a white woman.

Such marriages do occur in Canada, but they are rare.^b

^aSupplemental Report A, p. 27.

^bSupplemental Report A, pp. 80, 81.

De Tocqueville had already remarked that emancipation, which might be supposed to favor amalgamation, does, in point of fact, repress it.^a

Amalgamation in its worst form is the offspring of slavery. The facts seem to indicate that with the abolition of slavery it will materially diminish, though it may be doubted whether it will ever wholly disappear.

Aside from this apparently injurious mingling of blood, the social influence of the two races on each other, so soon as their reciprocal relations shall be based on justice, will, beyond question, be mutually beneficial. There are elements in the character of each, calculated to exert a happy influence on the other.

The Anglo-Saxon race, with great force of character, much mental activity, an unflagging spirit of enterprise, has a certain hardness, a stubborn will, only moderate geniality, a lack of habitual cheerfulness. Its intellectual powers are stronger than its social instincts. The head predominates over the heart. There is little that is emotional in its religion. It is not devoid of instinctive devotion, but neither is such devotion a ruling element. It is a race more calculated to call forth respect than love; better fitted to do than to enjoy.

The African race is, in many respects, the reverse of this. Genial, lively, docile, emotional, the affections rule; the social instincts maintain the ascendant. Except under cruel repression, its cheerfulness and love of mirth overflow with the exuberance of childhood. It is devotional by feeling. It is a knowing rather than a thinking race. Its perceptive faculties are stronger than its reflective powers. It is well fitted to occupy useful stations in life; but such as require quick observation rather than comprehensive views or strong sense. It is little given to stirring enterprise, but rather to quiet accumulation. It is not a race that will ever take a lead in the material improvement of the world; but it will make for itself, whenever it has fair play, respectable positions, comfortable homes.^b

As regards the virtues of humility, loving kindness, resignation under adversity, reliance on Divine Providence, this race exhibits these, as a general rule, in a more marked manner than does the Anglo-Saxon. Nor do we find among them a spirit of revenge or blood-thirstiness, or rancorous ill-will toward their oppressors.^c The exceptions to this rule, notwithstanding the great temptations to which the race have been exposed, are very rare. No race of men appears better to have obeyed the injunction not to return evil for evil, or to have acted more strictly in the spirit of the text: "Vengeance is mine! I will repay, saith the Lord."

^aDemocracy in America, Vol. I, p. 463.

^bThe surest sign of their thrift is the appearance of their dwelling-houses, farms, stock, tools, and the like. In these, moreover, we find encouraging signs for the negro, because they show that he feels so strongly the family instinct, and the desire to possess land and a dwelling-place. (Supplemental Report A, p. 62. See also, in connection with the above, Opinion of the Races, pp. 82, 83.)

^cCanada is full of men and women who, in the first half of their lives, were witnesses and sufferers of such indignities and wrongs as would burn into most white men's souls, and make them pass the last half in plotting vengeance. Not so these people. They cherish no spirit of vengeance, and seem to have no grudge against their oppressors. The memory and recital of their wrongs do not arouse such bitter feelings and call out such maledictions as would certainly be heard from white men of similar experience. A single instance only is recollected in which a feeling of unsatisfied vengeance was manifested; but many are recalled where the old master and mistress were spoken of with kindness, and regret expressed that they would not be seen again. (Supplemental Report A, pp. 67, 68.)

With time, as civilization advances, these Christian graces of meekness and long suffering will be rated higher than the world rates them now. With time, if we but treat these people in a Christian spirit, we shall have our reward. The softening influence of their genial spirit, diffused throughout the community, will make itself felt as an element of improvement in the national character.

And, on the other hand, they will learn much and gain much from us. They will gain in force of character, in mental cultivation, in self-reliance, in enterprise, in breadth of views and in habits of generalization. Our influence over them, if we treat them well, will be powerful for good. *a*

If we treat them well! But everything depends upon that. There depends upon it not alone the future of 4,500,000 people, native born, and who will remain, for good or for evil, in the land of their birth, but also, looking to the immediate present, there depends, to a certain extent, the likelihood of thoroughly and speedily putting down the present rebellion. In this connection we deem it useful here to repeat what we already suggested in our preliminary report:

Every aggression, every act of injustice committed by a Northern man against nonoffending fugitives from despotism, every insult offered by the base prejudice of our race to a colored man because of his African descent, is not only a breach of humanity, an offense against civilization, but it is also an act which gives aid and comfort to the enemy. The report of it goes abroad, penetrates into the enemy's country. So far as its influence there extends, the effect is to deter the slave from leaving his master, therefore to secure to that master a bread producer and by the same act to deprive the Union of a colored soldier, and compel the Government, by conscription, to withdraw a laborer from a Northern farm.

The practical effect, therefore, of abuse and injury to colored people in these days is not alone to disgrace the authors of such acts, but to compel conscription and to strip the North, already scant of working hands, of the laborers and the artisans that remain to her. Thousands of fields owned by white men may remain untilled, thousands of hearths owned by white men may be made desolate, all as the direct result of the ill-treatment of the colored race.

Such a spirit is not treasonable in the usual sense of that term, yet its results are the same as those of treason itself. It becomes, therefore, in a military point of view, of the highest importance that all wanton acts of aggression by soldiers or civilians, whether against refugees or against free negroes heretofore settled in the North, should be promptly and resolutely repressed and the penalties of the law in every such case vigorously enforced. A prudent regard for our own safety and welfare, if no higher motive prompt, demands the taking of such precaution.

We have imposed upon ourselves an additional obligation to see justice and humanity exercised toward these people in accepting their services as soldiers. It would be a degree of baseness of which we hope our country is incapable to treat with contumely the defenders of the Union—the men who shall have confronted death on the battle-field, side by side with the bravest of our own race, in a struggle in which the stake is the existence in peace and in their integrity of these United States.

We are unjust to our enemies if we deny that this struggle has been a hard-fought one, contested bravely and with varying success. A people with an element of semi-barbarism in their society, giving birth to habits of violence and of lawless doings, are, in some respects, better prepared for war than one which stands on a higher plane of Christian civilization. Add to this that our task is the more arduous because to quell the rebellion we have had to become the invaders. Under these circumstances, can we overlook the fact that several hundred thousand able-bodied men, detached from the labor ranks of the enemy and incorporated into the Army of the North, may essentially influence the decision of the issue?

a Mr. McCullum, principal of the high school, Hamilton, Canada, said: "Colored people brought up among whites look better than others. Their rougher, harsher features disappear. I think that colored children brought up among white people look better than their parents."

There is an additional reason why a considerable portion of the Union army should be made up of persons of African descent. The transformation of the slave society of the South into free society, no longer properly a question, has become a necessity of our national existence. Reflecting men have already reached the conclusion, and the mass of our people are attaining to it day by day, that the sole condition of permanent peace on this continent is the eradication of negro slavery. But the history of the world furnishes no example of an enslaved race which won its freedom without exertion of its own. That the indiscriminate massacres of a servile insurrection have been spared us, as addition to the horrors of a civil war, is due, it would seem, rather to that absence of revenge and bloodthirstiness which characterizes this race than to the lack either of courage or any other quality that makes the hardy combatant, for these the negro appears so far as we have tried him in civilized warfare, to possess. And in such warfare is it fitting that the African race seek its own social salvation? The negro must fight for emancipation if he is to be emancipated.

If, then, emancipation be the price of national unity and of peace, and if people, to be emancipated, must draw the sword in their own cause, then is the future welfare of the white race in our country indissolubly connected with the act of justice, on our part, toward people of another race; then is it the condition under which we may expect, and, if history speak truth, the sole condition under which we shall attain, domestic tranquillity, that we shall give the negro an opportunity of working out, on those battle-fields that are to decide our own national destiny, his destiny, whether as slave or as freedman, at the same time.

The Commission have been instructed to report how colored freedmen "can be most usefully employed in the service of the Government for the suppression of the rebellion." The above remarks may suffice as the record of their profound conviction, that no more effectual aid can be had in the speedy suppression of the rebellion and the restoration of permanent peace than is to be obtained by inducing the hearty co-operation of these freedmen, and by giving full scope to their energies as military laborers and soldiers during the continuance of the war. *a*

But to give full scope to their energies in war we must not treat them as stepchildren. It is so manifestly just, to say nothing of the evident expediency for the benefit of the service, that no discrimination should be made either as to wages or in any other respect, between the white and the colored soldier, that the Commission would deem it unnecessary, but for recent indications, to express, as they now do their conviction that of all petty schemes of false economy such discrimination against the colored soldier is the worst. Performing the same duties, subjected to the same fatigues, marshaled on the same battle-fields side by side with the white soldier, and exposing, like him, his life for his country, one would think that the innate sense of right would preclude the necessity of a single argument on the subject. What probability of future harmony between the races, if we begin our connection with the new-made freedmen by such an act of flagrant injustice?

Let us beware the temptation to treat the colored people with less than even justice, because they have been, and still are, lowly and feeble. Let us bear in mind that, with governments as with individuals, the crucial test of civilization and sense of justice is their treatment of the weak and the dependent.

God is offering to us an opportunity of atoning, in some measure, to the African for our former complicity in his wrongs. For our own sakes, as well as for his, let it not be lost. As we would that He should be to us and to our children, so let us be to those whose dearest interests are, by His providence, committed for the time to our charge.

As regards the question, What amount of aid and interference is necessary or desirable to enable the freedmen to tide over the stormy transition from slavery to freedom? we have chiefly to say that there

a Preliminary Report of the Commission, pp. 35 to 39. [See Vol. III, this series, pp. 451-453.]

is as much danger in doing too much as in doing too little. The risk is serious that, under the guise of guardianship, slavery, in a modified form, may be practically restored. Those who have ceased, only perforce, to be slave-holders, will be sure to unite their efforts to effect just such a purpose. It should be the earnest object of all friends of liberty to anticipate and prevent it. Benevolence itself, misdirected, may play into the hands of freedom's enemies, and those whose earnest endeavor is the good of the freedman may, unconsciously, contribute to his virtual re-enslavement.

The refugees from slavery, when they first cross our lines, need temporary aid, but not more than indigent Southern whites fleeing from secessionism, both being sufferers from the disturbance of labor and the destruction of its products incident to war. The families of colored men, hired as military laborers or enlisted as soldiers, need protection and assistance, but not more than the families of white men similarly situated. Forcibly deprived of education in a state of slavery, the freedmen have a claim upon us to lend a helping hand until they can organize schools for their children. But they will soon take the labor and expense out of our hands, for these people pay no charge more willingly than that which assures them that their children shall reap those advantages of instruction which were denied to themselves.

For a time we need a freedman's bureau, but not because these people are negroes, only because they are men who have been, for generations, despoiled of their rights. The Commission has heretofore—to wit, in supplemental report made to you in December last—recommended the establishment of such a bureau, and they believe that all that is essential to its proper organization is contained, substantially, in a bill to that effect reported on April 12 from the Senate Committee on Slavery and Freedmen.

Extensive experience in the West Indies has proved that emancipation, when it takes place, should be unconditional and absolute. The experiment of a few years' apprenticeship, plausible in theory, proved, in practice, a failure so injurious in its effects that the provincial legislatures, though they had been opposed to the abolition of slavery, voted, after trial, for the abolition of apprenticeship.

The freedman should be treated at once as any other free man. He should be subjected to no compulsory contracts as to labor. There should not be, directly or indirectly, any statutory rates of wages. There should be no interference between the hirers and the hired. Nor should any regulations be imposed in regard to the local movements of these people, except such regulations, incident to war, relative to vagrancy or otherwise, as apply equally to whites. The natural laws of supply and demand should be left to regulate rates of compensation and places of residence.

But when freedmen shall have voluntarily entered into any agreement to work, they may at first usefully be aided in reducing that agreement to writing, and, for a time, we may properly see to it that such freedmen do not suffer from ill-treatment or failure of contract on the part of their employers, and that they themselves perform their duty in the premises.

It is of vital importance that the leasing and supervision of abandoned real estate in insurrectionary districts should be intrusted to the same persons who have in charge the interests of the freedmen who are likely to cultivate the lands in question. Between two

sets of agents, one having in charge the lands, and another the interests of the freedmen, jarings and conflicts of authority would be sure to ensue.

The Commission is confirmed in the opinion that all aid given to these people should be regarded as a temporary necessity; that all supervision over them should be provisional only, and advisory in its character. The sooner they shall stand alone and make their own unaided way, the better both for our race and for theirs.

The essential is that we secure to them the means of making their own way; that we give them, to use the familiar phrase, "a fair chance." If, like whites, they are to be self-supporting, then, like whites, they ought to have these rights, civil and political, without which they are but laboring as a man labors with hands bound.

There will for some time to come be a tendency on the part of many among those who have heretofore held them in bondage still to treat them in an unjust and tyrannical manner. The effectual remedy for this is, not special laws or a special organization for the protection of colored people, but the safeguard of general laws, applicable to all, against fraud and oppression.

The sum of our recommendations is this: Offer the freedmen temporary aid and counsel until they become a little accustomed to their new sphere of life; secure to them, by law, their just rights of person and property; relieve them, by a fair and equal administration of justice, from the depressing influence of disgraceful prejudice; above all, guard them against the virtual restoration of slavery in any form, under any pretext, and then let them take care of themselves. If we do this, the future of the African race in this country will be conducive to its prosperity and associated with its well-being. There will be nothing connected with it to excite regret or inspire apprehension.

All which is respectfully submitted,

ROBERT DALE OWEN,
J. MCKAYE,
SAML. G. HOWE,
Commissioners.

WAR DEPARTMENT,
Washington, D. C., May 15, 1864.—9 a. m.

Governor BROUGH,
Columbus:

The military intelligence last night is highly satisfactory. The operations of General Sherman had compelled the enemy to evacuate Dalton, and our army was operating upon his flank and rear, with the prospect of important results.

General Butler had attacked Fort Darling, gained important advantages with small loss to ourselves, and its speedy reduction was confidently anticipated.

The operations of the Cavalry Corps under command of Major-General Sheridan were attended with the most brilliant results. On the 9th instant, leaving the Army of the Potomac, General Sheridan got into the enemy's rear; broke both railroads between Hanover Junction and Richmond; captured several locomotives and trains; destroyed Lee's depot at Beaver Dam with over a million of rations; advanced to Yellow Tavern, where he fought the rebel cavalry commanded by General J. E. B. Stuart, defeated them and killed Stuart;

captured the first line of the enemy's works around Richmond; advanced between the first and second lines of the enemy's works, but finding them too strong, did not venture an assault; destroyed the bridges over the Chickahominy and on the Central Railroad, broke up its track for several miles, and finally joined the forces of General Butler on the James River. He reports that his whole loss is not over 350 men killed and wounded, and not more than 100 horses.

The latest date from General Grant and the Army of the Potomac is 6.30 yesterday morning. The Fifth and Sixth Corps had advanced during the night, and were to have attacked at daylight, but there was no sound of battle heard at headquarters nor any during the day. This movement, it is believed, compels Lee to retire by Lynchburg, and that he withdrew during Friday night. The rebel papers state that our forces had destroyed the bridge over New River and a large extent of railroad south of Lynchburg and a great quantity of supplies. Re-enforcements are going forward rapidly to General Grant, and it is believed that his whole loss will be filled up by Tuesday.

You are authorized to make this public as the present condition of military operations, so far as known at this Department.

EDWIN M. STANTON,

Secretary of War.

(Same to Governor Morton, Indianapolis; Governor Yates, Springfield; Governor Stone, Davenport; Governor Lewis, Madison; Governor Bramlette, Frankfort.)

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 17. } Washington, May 16, 1864.

The following opinion of Hon. William Whiting, Solicitor of the War Department, is published for the information and guidance of all concerned:

Relative to the duty of provost-marshals of districts wherein the quota for a precinct shall not have been filled before the time designated for the draft therein by the President, and their authority to discharge drafted men from the military service, receiving in lieu thereof volunteers who are not offered as substitutes.

Opinion.—When the quota for a precinct shall not have been filled before the time designated for draft therein by the President, the third section of the act of February 24, 1864, makes it the duty of the provost-marshal of such district "to make a draft of the number deficient therefrom." "All volunteers who may enlist after the draft shall have been ordered and before it shall be actually made, shall be deducted from the number ordered to be drafted" in such precinct. Substitutes may also be accepted "at any time previous to the draft," or before the time fixed for appearance for duty at the rendezvous.

There is no provision of the statute which authorizes the provost-marshals to discharge drafted men from the military service, receiving in lieu thereof volunteers who are not offered as substitutes.

JAMES B. FRY,
Provost-Marshal-General.

Hon. E. M. STANTON,
Secretary of War:

CAIRO, ILL., May 16, 1864.

I arrived at Cairo last night, and shall proceed to Paducah, Ky., this morning, where I find my presence is required, and will return to Cairo and await any instructions you may desire to send by telegraph.

I will then proceed to Vicksburg, to accompany General Slocum to Natchez, where his presence is necessary, to examine personally into the affairs of that district.

L. THOMAS,
Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 16, 1864.

HIS EXCELLENCY HORATIO SEYMOUR,
Governor of New York, Albany, N. Y.:

SIR: Your letter to Major-General Dix dated April 30, inclosing a communication from the veterans of 1812, offering their services for garrisoning the fortifications of New York, has been received, and in reply I am directed by the Secretary of War to say that while he fully appreciates the patriotic motives of the honored veterans of 1812, he is unwilling, without an absolute necessity, to require further sacrifices from the heroes of our earlier wars. He hopes that this great struggle will be brought to a successful termination without further disturbing those whom he now addresses through you, than to ask that they add their counsel and prayers in our present efforts, to inspire patriotic efforts in their juniors to prove themselves equal to the example set by the veterans of 1812.

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

COLUMBUS, OHIO, *May 16, 1864.*

HON. E. M. STANTON,
Secretary of War:

I have left over a Dutch and an English battalion from National Guard of about 500 men each which I cannot consolidate into a regiment. May I muster them in as two battalions, under a major to each battalion, and assign them to guard duty at Johnson's Island, thus giving one more regiment now there to go to Washington? I must otherwise disband them.

JOHN BROUGH.

WAR DEPARTMENT,
Washington City, May 16, 1864.

Governor BROUGH,
Columbus:

You may muster your English and Dutch in separate battalions, under a major, and dispose of them as indicated in your telegram, if General Heintzelman thinks them fit for that duty. If not fit, send them forward and we can find place for them. This Department and the Nation are indebted to you more than I can tell for your prompt and energetic action at this crisis. Everything continues to look well. There has been no fighting in front for two days. Sherman has driven Johnston out of Resaca and is pursuing him. Butler has surrounded Fort Darling and will no doubt take it. Heavy reinforcements have gone to Grant.

EDWIN M. STANTON.

SPRINGFIELD, ILL., May 18, 1864.

Hon. E. M. STANTON,
Secretary of War:

Five regiments certainly ready this week, five the next, and five the succeeding, but we were twelve days of the twenty without transportation or supplies, and now some of the officers refuse transportation or supplies to the recruits coming in to fill up the companies because the time is out. I applied for time to be extended to 1st June. There is a most bitter partisan opposition to raising the troops. Will you extend the time to 1st of June?

RICHD. YATES,
Governor.

WAR DEPARTMENT,
Washington City, May 18, 1864.

Governor YATES,
Springfield:

The time for raising your 100-days' men will be extended to the 1st of June and corresponding orders issued to the mustering-in officers.

EDWIN M. STANTON,
Secretary of War.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 18, 1864.

Maj. W. H. SIDELL,
Actg. Asst. Provost-Marshal-General, Louisville, Ky.:

In reference to the difficulty in notifying drafted men within ten days, the time designated by law, you should control the matter by not having drawn at any one time the names of more persons than you are sure can be notified within the legal period. Your proposed amendment is judicious, but we cannot wait for it.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 18, 1864.

Maj. J. W. T. GARDINER,
Actg. Asst. Provost-Marshal-General, Augusta, Me.:

Let the revision of the enrollment be pushed to completion at the earliest possible day, and make known to the people that it is plainly for the interest of each town, ward, &c., to have stricken from the lists all names improperly enrolled, because an excess of names increases the quota called for from such town, ward, &c. It is equally for the interest of each person enrolled in a given town or ward to place upon the list all persons in his town or ward liable to do military duty, because the greater the number to be drawn from the less chance that any particular individual will be drawn.

As it is the personal interest of every enrolled man that the quota in which he is concerned shall not be made too large, and that his own chances for draft shall not be unjustly increased, and as both these objects will be obtained by striking out the wrong names and

putting in the right ones, there can be no serious difficulty in securing the co-operation of citizens for the purpose of making a correct enrollment.

JAMES B. FRY,
Provost-Marshal-General.

Operator will send similar dispatch to following:

Capt. William Silvey, Concord, N. H.; Brig. Gen. T. G. Pitcher, Brattleborough, Vt.; Maj. Francis N. Clarke, Boston, Mass.; Capt. Wesley Owens, Providence, R. I.; Maj. D. D. Perkins, Hartford, Conn.; Brig. Gen. W. Hays, New York City; Maj. Frederick Townsend, Albany, N. Y.; Maj. A. S. Diven, Elmira, N. Y.; Lieut. Col. R. C. Buchanan, Trenton, N. J.; Maj. C. O. Gilbert, Philadelphia, Pa.; Lieut. Col. J. V. Bomford, Harrisburg, Pa.; Col. N. L. Jeffries, Baltimore, Md.; Lieut. Col. Joseph Darr, jr., Wheeling, W. Va.; Maj. W. H. Sidell, Louisville, Ky.; Col. E. B. Alexander, Saint Louis, Mo.; Col. J. H. Potter, Columbus, Ohio; Col. Conrad Baker, Indianapolis, Ind.; Lieut. Col. James Oakes, Springfield, Ill.; Lieut. Col. Bennett H. Hill, Detroit, Mich.; Maj. Thomas Duncan, Davenport, Iowa; Col. James D. Greene, Madison, Wis.; Lieut. Col. J. T. Averill, Saint Paul, Minn.; Capt. Sidney Clarke, Leavenworth, Kans.

[MAY 18, 1864.—For Brough to Stanton, giving the points to which 4,000 100-days' men have been sent in sixteen days, see Series I, Vol. XXVII, Part I, p. 491.]

NEW YORK, *May 18, 1864.*
(Received 10 a. m.)

MAJ. THOMAS T. ECKERT:

The following is taken from the New York World of this morning. Is it genuine?

M. S. ROBERTS,
Manager New York Office.

Four hundred thousand more troops called for.

EXECUTIVE MANSION, *May 17, 1864.*

FELLOW-CITIZENS OF THE UNITED STATES:

In all exigencies it becomes a nation carefully to scrutinize its line of conduct, humbly to approach the Throne of Grace, and meekly to implore forgiveness, wisdom, and guidance.

For reasons known only to Him it has been decreed that this country should be the scene of unparalleled outrage, and this nation the monumental sufferer of the nineteenth century. With a heavy heart, but an undiminished confidence in our cause, I approach the performance of duty, rendered imperative by my sense of weakness before the Almighty, and of justice to the people.

It is not necessary that I should tell you that the first Virginia campaign under Lieutenant-General Grant, in whom I have every confidence, and whose courage and fidelity the people do well to honor, is virtually closed.

He has conducted his great enterprise with discreet ability.

He has inflicted great loss upon the enemy. He has crippled their strength and defeated their plans.

In view, however, of the situation in Virginia, the disaster at Red River, the delay at Charleston, and the general state of the country, I, Abraham Lincoln, do hereby recommend that Thursday, the twenty-sixth day of May, in the year of our Lord one thousand eight hundred and sixty-four, be solemnly set apart throughout these United States as a day of fasting, humiliation, and prayer. Deeming, furthermore, that the present condition of public affairs presents an extraordinary occasion, and in view of the pending expiration of the service of 100,000 of our troops, I, Abraham Lincoln, President of the United States, by virtue of the power vested in me by the Constitution and the laws, have thought fit to call forth, and hereby do call forth, the citizens of the United States between the ages of eighteen and forty-five years to the aggregate number of 400,000, in order to suppress the existing rebellious combinations and to cause the due execution of the laws. And furthermore, in case any State or number of States shall fail to furnish by the fifteenth day of June next their assigned quotas, it is hereby ordered that the same be raised by an immediate and peremptory draft. The details for this object will be communicated the State authorities through the War Department. I appeal to all loyal citizens to favor, facilitate, and aid this effort to maintain the honor, the integrity, and the existence of our national Union, and the perpetuity of popular government. In witness whereof I have herewith set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of May, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

NEW YORK, May 18, 1864.
(Received 11.35 a. m.)

Hon. W. H. SEWARD,
Secretary of State:

A proclamation by the President, countersigned by you, and believed to be spurious, has appeared in some of our morning papers calling for 400,000 men, and appointing the 26th instant as a day of fasting, humiliation, and prayer. Please answer immediately for steamer.

JOHN A. DIX,
Major-General.

DEPARTMENT OF STATE,
May 18, 1864.

TO THE PUBLIC:

A paper purporting to be a proclamation of the President, countersigned by the Secretary of State, and bearing date the 17th day of May, is reported to this Department as having appeared in the New York World of this date. The paper is an absolute forgery. No proclamation of that kind or any other has been made or proposed to

be made by the President, or issued or proposed to be issued by the State Department or any Department of the Government.

WILLIAM H. SEWARD.

(Sent to New York press and to Charles Francis Adams, London and William L. Dwyton, Paris.)

WAR DEPARTMENT,
Washington City, May 18, 1864.

Major-General DIX,
New York:

I have just seen a copy of the spurious proclamation referred to in your telegram. It is a base and treasonable forgery.

EDWIN M. STANTON,
Secretary of War.

EXECUTIVE MANSION,
Washington, May 18, 1864.

Maj. Gen. JOHN A. DIX,
Commanding, New York:

Whereas, there has been wickedly and traitorously printed and published this morning in the New York World and New York Journal of Commerce, newspapers printed and published in the city of New York, a false and spurious proclamation purporting to be signed by the President and to be countersigned by the Secretary of State which publication is of a treasonable nature, designed to give aid and comfort to the enemies of the United States and to the rebels now at war against the Government, and their aiders and abettors, you are therefore, hereby commanded forthwith to arrest and imprison in military fort or military prison in your command the editors, proprietors, and publishers of the aforesaid newspapers, and all such persons as, after public notice has been given of the falsehood of said publication print and publish the same, with intent to give aid and comfort to the enemy, and you will hold the persons so arrested in close custody until they can be brought to trial before a military commission for their offense. You will also take possession, by military force, of the printing establishments of the New York World and Journal of Commerce and hold the same until further orders, and prevent any further publication therefrom.

A. LINCOLN.

WAR DEPARTMENT,
Washington, D. C., May 18, 1864—2 p. m.

Maj. Gen. JOHN A. DIX,
New York:

The President directs that immediately upon receipt of this order you take military possession of the offices of the Independent Telegraph Company at New York (one corner Cedar and Nassau streets Gold Room, William street, and Brokers' Exchange), and of all the instruments, dispatches, and papers that may be found in the office or upon the person of the manager, superintendent, and operators and keep possession thereof, and arrest the manager, operators superintendent, and hold them in close custody until further order and permit no telegraph to be sent over the line until further orders

Strict diligence, attention, and confidence is desired in the execution of this order, and you are requested to give it your personal attention and employ your best officers.

EDWIN M. STANTON,
Secretary of War.

(Similar orders to General Cadwalader, Philadelphia; Colonel Bomerford, Harrisburg, and Captain Foster, Pittsburg.)

NEW YORK, May 18, 1864.
(Received 4.35 p. m.)

Hon. E. M. STANTON,
Secretary of War:

I am investigating the gross fraud of this morning. The paper purporting to be a proclamation of the President was handed into the offices of the city newspapers at 4 o'clock, written on thin manifold paper of foolscap size, like the dispatches of the Associated Press. In handwriting and every other respect it was admirably calculated to deceive. It was published in the World and Journal of Commerce. None of the responsible editors of either of the papers was present. As soon as the editors of the World discovered the fraud they announced it on their bulletin, and they have offered a reward of \$500 for the detection of the author. It was printed by the Herald, but none of the copies were issued, the fraud having been discovered before they left the office. I have sent to all the newspapers for their manuscripts and have received three. They are alike in respect to paper and handwriting. I think the authors will be detected, and I need not add that I shall in that case arrest and imprison them for trifling in so infamous a manner with the authority of the Government and the feelings of the community at this important juncture in our public affairs. Since writing the above the President's order for the arrest of the editors, proprietors, and publishers of the World and Journal of Commerce has come to hand. I shall execute it unless the foregoing information shall be deemed sufficient by the President to suspend it until my investigation is concluded.

JOHN A. DIX,
Major-General.

WAR DEPARTMENT, May 18, 1864.

Major-General DIX,
New York:

The President's telegram was an order to you which I think it was your duty to execute immediately upon its receipt. I have no further orders to give you.

EDWIN M. STANTON,
Secretary of War.

NEW YORK, May 18, 1864.
(Received 5.40 p. m.)

Hon. EDWIN M. STANTON,
Secretary of War:

There will be no delay in the execution of either order. The telegraph offices will be seized immediately, and the newspapers, editors, &c., unless I hear from you before the guards are ready.

JOHN A. DIX,
Major-General.

WAR DEPARTMENT,
May 18, 1864—6.30 p. m.

Major-General DIX,
New York:

Your telegram of 5.46 is just received. A great national crime has been committed by the publication. The editors, proprietors, and publishers, responsible and irresponsible, are in law guilty of that crime. You were not directed to make any investigation, but to execute the President's order; the investigation was to be made by a military commission. How you can excuse or justify delay in executing the President's order until you make an investigation is not for me to determine.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 18, 1864—8.30 p. m.

Major-General DIX,
New York:

The officer in charge of the investigation, respecting the forged proclamation, reports that he is led to believe it originated in this city, and that the New York publishers were not privy to it. If your conclusions are the same you may suspend action against them until developments are made.

EDWIN M. STANTON,
Secretary of War.

NEW YORK, May 18, 1864.
(Received 10.40 p. m.)

Hon. E. M. STANTON,
Secretary of War:

The investigation was made by me as commanding officer of the department before the President's order was received, as my dispatch showed. There has been none since. I understood the President's orders as commands to be executed, and there has been no unnecessary delay in the execution. The telegraphic offices were seized as soon as my officers could reach them. The *World* and *Journal of Commerce* printing offices are in possession of my men. Two of my officers, Major Halpine and Captain Burstow, are engaged in the arrest of the editors, proprietors, and publishers, and a steamer is waiting at Castle Garden to take them to Fort Lafayette. The only delay has been in making proper arrangements to secure, as nearly as possible, simultaneous and effective action.

J. A. DIX,
Major-General.

NEW YORK, May 18, 1864.
(Received 10.40 p. m.)

Hon. E. M. STANTON,
Secretary of War:

Your dispatch in regard to the probable origin of the forged proclamation is just received. I am satisfied the publishers of the *World* and *Journal of Commerce* had no knowledge of it. I shall, therefore,

suspend the order as to them, but shall keep possession of their printing offices until you otherwise direct. The manager, superintendent, and operators of the telegraph line will be sent to Fort Lafayette in an hour. They have been in arrest since 5 o'clock.

JNO. A. DIX,
Major-General.

PHILADELPHIA, May 18, 1864.
(Received 7.50 p. m.)

Hon. E. M. STANTON,
Secretary of War:

The telegram lines indicated in your telegram, and all the instruments, dispatches, and papers have been seized, and the manager, operators, and superintendents arrested and will be held until further orders. A large number of private dispatches are detained. Two other offices than those named by you connected with this line have also been taken possession of. They have through communication everywhere without going through the principal office. It is said that there are also other offices, which I will seize if I can find them. Please inform me if I am not acting correctly.

GEO. CADWALADER,
Major-General, Commanding.

PITTSBURG, May 18, 1864.

Hon. E. M. STANTON,
Secretary of War:

Under orders received at 5.30 I have seized papers, instruments, and J. H. Robinson, manager, J. R. Roe, assistant superintendent, George A. Hamilton, operator, W. J. Gill, clerk, Inland Telegraph Line, and all papers. Will send them at 8.35.

J. HERON FOSTER,
Capt. and Prov. Mar. Twenty-second District of Pennsylvania.

WAR DEPARTMENT,
Washington City, May 18, 1864.

Major-General CADWALADER,
Philadelphia:

Accept the thanks of this Department for your prompt action. Secure and forward all the papers, and send the prisoners forward under guard to report to Colonel Wisewell, Military Governor.

EDWIN M. STANTON,
Secretary of War.

(Same to Capt. J. Heron Foster, Pittsburg.)

HARRISBURG, May 18, 1864.

Hon. E. M. STANTON:

Have received your important telegram of this date. At 7 p. m. have taken possession of office of Independent Telegraph (self-styled Inland and American Line), also books, papers, instruments, and operators. Am now searching for the president and treasurer. The superintendent, A. J. Baldwin, is in New York City.

J. V. BOMFORD,
Lieutenant-Colonel Sixteenth Infantry, &c.

CONFIDENTIAL.]

WAR DEPARTMENT,
*Washington City, D. C., May 18, 1864.*Maj. Gen. LEW. WALLACE,
Baltimore:

A forged treasonable document, purporting to be a proclamation by the President, countersigned by the Secretary of State, appeared in the New York World and Journal of Commerce this morning. Make arrangements and seize all the issues of the papers that may arrive at Baltimore by express or mail and prevent their circulation, and report to this Department.

EDWIN M. STANTON,
*Secretary of War.*BALTIMORE, *May 18, 1864.*
(Received 9 p. m.)Hon. E. M. STANTON,
Secretary of War:

Your dispatch arrived after the train from New York and the New York World had already been distributed. I have seized all the copies I could find.

LEW. WALLACE,
*Major-General of Volunteers.*NINTH STREET OFFICE, *Washington, May 18, 1864.*
(Received 2.15 p. m.)

Hon. E. M. STANTON:

I have the honor to report that the arrests have been made and offices closed.

THOS. T. ECKERT,
*Major and Assistant Superintendent Military Telegraph.*DEPARTMENT OF STATE,
Washington City, May 18, 1864—12.30 p. m.
CHARLES FRANCIS ADAMS, Esq.,
U. S. Minister Plenipotentiary, London:

Orders have been given for the arrest and punishment of the fabricators and publishers of the spurious proclamation.

WILLIAM H. SEWARD.

(Same to William L. Dayton, Esq., U. S. Minister Plenipotentiary, Paris.)

NEW YORK CITY, *May 19, 1864.*
(Received 2.30 p. m.)His Excellency A. LINCOLN,
President of the United States:

SIR: The undersigned, editors and publishers of a portion of the daily press of the city of New York, respectfully represent that the

leading journals of this city sustain very extended telegraphic news arrangements, under an organization established in 1848 and known as the New York Associated Press, which is controlled by its members, acting through an executive committee, a general agent in this city, and assistant agents immediately responsible to the association at every important news center throughout this country and Europe. Under the above-named organization the rule has always been to transmit by telegraph all intelligence to the office of the general agent in this city, and by him the same is properly prepared for publication, and then written out by manifold process on tissue paper, and a copy of the same is sent simultaneously in sealed envelopes to each of the editors who are entitled to receive the same. From foregoing statement of facts Your Excellency will readily perceive that an ingenious rogue, knowing the manner in which the editors were supplied with much of their telegraphic news, could, by selecting his time and opportunity, easily impose upon editors or compositors the most wicked and fraudulent reports. On Wednesday morning, at about 3 o'clock, a messenger, who well counterfeited the regular messenger of the Associated Press, presented himself at all save one of the editorial rooms of the papers connected with the Associated Press and delivered to the foreman, in the absence of the night editors, sealed envelopes containing manifold papers similar in all respects to that used by the association, upon which was written a fraudulent proclamation, purporting to be signed by Your Excellency and countersigned by the Honorable Secretary of State. The very late hour at which the fraud was perpetrated left no time for consideration as to the authenticity or genuineness of the document, and the copy in most of the offices was at once cut up into small pieces and given into the hands of the compositors, and in two cases the fraud was not discovered or suspected even till after the whole morning editions of the papers were printed off and distributed. The undersigned beg to state to Your Excellency that the fraud, which succeeded with *The World* and the *Journal of Commerce*, was one which, from the circumstances attending it and the practices of the Associated Press, was extremely natural and very liable to have succeeded in any daily newspaper establishment in this city, and inasmuch as, in the judgment of the undersigned, the editors and proprietors of the *Journal of Commerce* and *The World* were innocent of any knowledge of wrong in the publication of the fraudulent document, and also in view of the fact that the suspension by Your Excellency's orders of the two papers last evening has had the effect to awaken editors and publishers and news agents, telegraph companies, &c., to the propriety of increased vigilance in their several duties, the undersigned respectfully request that Your Excellency will be pleased to rescind the order under which *The World* and the *Journal of Commerce* were suppressed.

Respectfully, Your Excellency's obedient servants,

SIDNEY HOWARD GAY,

For Tribune

ERASTUS BROOKS,

New York Expr

FREDERICK HUDSON,

For JAS. G. BENNETT,

New York Her

M. S. BLEACH,

New York

NEW YORK, *May 19, 1864.*

(Received 10.40 a. m.)

Hon. E. M. STANTON:

SIR: I have the honor to report that the Secretary of State's dispatch to Ministers Adams and Dayton was delivered to the purser of the Scotia, and that he was ordered by Mr. Cunard to telegraph it from Queenstown. Slips were issued by some of the morning papers exposing the forgery, and circulated among the passengers before the vessel sailed.

Very respectfully,

E. S. SANFORD.

WAR DEPARTMENT,

Washington, D. C., May 19, 1864.

Major-General WALLACE,

Baltimore:

The President directs that you take military possession of the telegraph line known as the Independent or Inland Telegraph and its offices and instruments, materials, papers, and dispatches. The principal office is No. 21 South street. The papers and dispatches you will forward to Colonel Wisewell, Military Governor. The agents, superintendents, and operators you will arrest and parole them to appear before you when required. You will place a guard in the offices and prevent any telegraphing.

By order of the President:

EDWIN M. STANTON,
*Secretary of War.*NEW YORK, *May 20, 1864.*

Hon. E. M. STANTON:

I have arrested and am sending to Fort Lafayette Joseph Howard, the author of the forged proclamation. He is a newspaper reporter, and is known as "Howard, of the Times." He has been very frank in his confession—says it was a stock-jobbing operation, and that no person connected with the press had any agency in the transaction except another reporter, who took manifolds and distributed the proclamation to the newspapers, and whose arrest I have ordered. He exonerates the Independent Telegraph Line, and says that publication on a steamer day was accidental. His statement in all essential particulars is corroborated by other testimony.

JOHN A. DIX,
Major-General.

WAR DEPARTMENT,

Washington City, May 20, 1864—9.10 p. m.

Major-General DIX,

New York:

Your telegram respecting the arrest of Howard has been received and submitted to the President. He directs me to say that while, in his opinion, the editors, proprietors, and publishers of The World and Journal of Commerce are responsible for what appears in their papers injurious to the public service, and have no right to shield themselves behind a plea of ignorance or want of criminal intent, yet he is not disposed to visit them with vindictive punishment; and hoping they will

exercise more caution and regard for the public welfare in future, he authorizes you to restore to them their respective establishments.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 20, 1864—1 p. m.

Major-General DIX,
New York:

You will please proceed immediately to take the examination of the telegraph operators, superintendents, and officers that may have been arrested by you under order of this Department, taking their statements and examination in writing, and, if satisfied that they have had no complicity nor part in the transmission or perpetration of the forgery of the President's proclamation, published in *The World and Journal of Commerce*, you will discharge them, but holding in arrest any against whom any evidence may appear and reporting the same.

EDWIN M. STANTON,
Secretary of War.

PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 20, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: The various acts passed between June, 1861, and February, 1864, prescribed among other details the number of men which might be called out. The first section of the amendatory enrollment act, approved February 24, 1864, however, says:

That the President of the United States shall be authorized, whenever he shall deem it necessary during the present war, to call for such number of men for the military service of the United States as the public exigencies may require.

I understand that under this the President can call for as many men as he deems necessary and prescribe their term of service, and that all such men will be entitled to the various bounties provided in former acts for the number of men specified in such acts.

The bounties authorized at this time by existing laws for volunteers called into service for different periods of time are as follows:

First. Volunteers for three years or the war for old or new regiments are entitled to \$100 bounty.

Second. Volunteers for two years for old or new regiments (if discharged honorably after a service of two years or during the war) are entitled to \$100 bounty.

Third. Volunteer infantry for nine months are entitled to \$21 bounty. Troops called out in accordance with the foregoing may be formed into new organizations without impairing their claim to bounty.

Fourth. For the purpose of filling up the regiments of infantry in the U. S. service, volunteer recruits may be raised for one year. They are entitled to \$50 bounty.

I find no law which provides bounty for new organizations raised for one year's service.

It might be well in case a new call is made to authorize the acceptance of volunteer recruits to serve for two years in old infantry regiments with \$100 bounty, or to serve for one year with \$50 bounty, and the recruit may desire, and to accept the services of such new infantry organizations for two years as the Governors may desire to undertake to raise within a designated time. New organizations if raised for one year's service would go out at the most critical season next year if the war continues, and, as heretofore stated, get no U. S. bounty.

For whatever term of service the volunteer may be accepted, the case should be accompanied by an order to draft all the deficiency and hold the men so drafted for three-years' service. This would be an additional inducement to fill quotas by volunteers and thus escape draft.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, SOLICITOR'S OFFICE,
Washington, D. C., May 20, 1864.

Brig. Gen. JAMES B. FRY,
Provost-Marshal-General:

"If a drafted slave personally desires exemption, will another slave be deemed, by the Secretary of War, an acceptable substitute?"

OPINION.

When a slave of a loyal master in either of the loyal States, having been enrolled as part of the national forces, shall be drafted and mustered into the service of the United States, his master is entitled to a certificate thereof, and thereupon such slave shall be free, and the bounty of \$100 shall be paid to the master.

When the slave of such loyal master volunteers in that service his master is entitled to compensation not exceeding \$300; and even such volunteer, on being mustered into service, is entitled to his freedom.

No provision of law has yet been made defining the rights of a slave who, while servitude continues, should be put into the ranks by his owner as a substitute for a drafted slave. Which of the masters of which of the slaves, and whether either of them would be entitled to bounty, the statutes do not determine. Whether either of the slave would be entitled to freedom or their masters to certificates is equally undecided.

Heretofore no person has acted as a soldier in the service of the United States until he has been made a freeman by law. To allow any one to act as a soldier who, while fighting under the flag of his country, could be held as a slave, would produce confusion and uncertainty in regard to the rights of colored soldiers; it would cause dissatisfaction in the Army; it would be opposed to the spirit of the legislation of Congress.

Under these circumstances, in the absence of any statute requiring the acceptance and defining the rights of this peculiar class of substitutes, having due regard to the character of the legislation of Congress, which has thus far made the soldier a freeman on entering the

service, and in view of the provisions of the enrollment acts which confer upon the Secretary of War the power of prescribing rules and regulations for determining whether a substitute shall or shall not be deemed "acceptable," he is not, in my judgment, bound by law to receive slaves as acceptable substitutes for drafted slaves. Whether he shall do so or not is a matter wholly within his discretion.

If slaves can be manumitted, or otherwise be made free by their masters under the laws of the State in which a slave is held to service, a manumitted or freed slave will be, by law, acceptable as a substitute for a drafted slave. In case such substitutes should be offered, it will be desirable that the Secretary of War should issue rules and regulations as to the proofs required as evidence of the freedom of the proposed substitute, and as to the recording and preserving of such proofs.

WILLIAM WHITING,
Solicitor of the War Department.

WAR DEPARTMENT, SOLICITOR'S OFFICE,
Washington, D. C., May 20, 1864.

Brig. Gen. JAMES B. FRY,
Provost-Marshal-General:

"Has the owner of a drafted slave in a loyal State the right to exonerate him from liability under the draft by procuring a substitute, or by payment of \$300?"

OPINION.

It is the right of any drafted man to furnish an acceptable substitute, or to obtain qualified exemption from service by payment of commutation. No one can lawfully prevent a drafted man from entering the military service of the United States by procuring a substitute, or by paying commutation for him, without his authority or against his consent.

If a slave be drafted who desires to serve, it is not the right of his master, by procuring a substitute or by paying commutation, to withhold his slave from the Army, and thereby to deprive the country of a soldier and the slave of that freedom to which he is entitled by act of Congress.

But if the drafted slave himself prefers to avoid the military service and to remain in slavery, it is his personal privilege to secure qualified exemption from that draft by payment of \$300, or procurement of a substitute who shall be acceptable according to the regulations of this Department.

WILLIAM WHITING,
Solicitor of the War Department.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 39. } *Washington, May 20, 1864.*

I am directed to instruct you, in order to prevent the desertion of recruits at rendezvous and while in transit to depots, that the payment of \$25 bounty immediately on enlistment, authorized by letter

of instructions from this office, dated January 5, 1864, is hereby prohibited. Such payment will only be made to the recruit after he has been accepted at the depot.

E. D. TOWNSEND,
Assistant Adjutant-General.

Boston, May 20, 1864.

Brigadier-General FRY,
Provost-Marshal-General:

Will you not allow the towns in which drafts are made to fill up their quotas with volunteers? If so, you will get men. If not, commutation will be paid in nearly all cases. The reason is that volunteers receive the State bounties of \$325, and drafted men and substitutes do not. I only ask that volunteers shall be accepted from the day of draft until the day fixed for drafted men to report. Cannot their request be granted? Please answer by telegraph.

JOHN A. ANDREW,
Governor of Massachusetts.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 20, 1864.

Governor ANDREW,
Boston, Mass.:

I have conferred with Solicitor of the War Department and he does not think the law will justify a departure from his opinion, as set forth in Circular No. 17 from this office, and that I am not authorized to discharge drafted men from the military service and receive volunteers in lieu of them. The volunteers you raise after the draft can be counted on next call and will serve as good a purpose as if drafted men were discharged for them.

JAMES B. FRY,
Provost-Marshal-General.

ACTG. ASST. PROVOST-MARSHAL-GENERAL'S OFFICE,
STATE OF WEST VIRGINIA,
Wheeling, May 20, 1864.

Brig. Gen. JAMES B. FRY,
Washington City:

SIR: I have the honor to acknowledge the receipt of telegram of 19th instant,* directing a conference with State authorities, to endeavor to get the different districts and sub-districts to commence raising men at once, with a view to meet any new call that may be made. Governor Bereman proposes to issue an appeal to the people on the subject, and every effort will be made from this office to assist the State authorities.

Very respectfully, your obedient servant,

JOSEPH DARR, JR.,
Lieut. Col. and Acting Assistant Provost-Marshal-General.

[MAY 21, 1864.—For Lincoln to Governors Morton, Yates, Stone, and Lewis, in relation to getting forward the 100-days' troops to sustain General Sherman, see Series I, Vol. XXXVIII, Part IV, p. 274.]

* Omitted.

HDQRS. ASSISTANT PROVOST-MARSHAL-GENERAL,
Indianapolis, Ind., May 21, 1864.

Brig. Gen. JAMES B. FRY,
Provost-Marshal-General:

SIR: I have the honor to state that the dispatch from the Honorable the Secretary of War to General Dix mentioned in your telegram to me of the 19th instant has not been received, nor has any such dispatch been published in our papers.

I have conferred with Governor Morton on the subject of getting the different districts and sub-districts to commence raising men with a view to the new call.

The Governor says that if more men are required they must be drafted; that it will be impossible to procure volunteers, and that it would be injurious to make the effort and fail in it.

I think the difficulty of procuring volunteers, even for the 100-days' service, shows that he is right in this opinion.

The influence of the opposition party is all employed to prevent men from volunteering, and I think the time has come when justice to the loyal requires that troops should be raised by draft.

I suppose it is not intended that an effort should be made to raise troops by volunteering without the co-operation of the State authorities, but submit the matter to you for such instructions as you may see proper to issue. Recruiting for the old regiments having almost entirely ceased, the recruiting parties have nearly all been relieved, under instructions heretofore received.

I am, general, very respectfully, your obedient servant,

CONRAD BAKER,
Colonel and Assistant Provost-Marshal-General.

NEW YORK, May 21, 1864.
 (Received 2.20 p. m.)

Hon. E. M. STANTON,
Secretary of War:

I have examined the superintendent and manager and the operators of the Independent Telegraph Line.

The examination completely exonerates them and the telegraphic offices in their charge from any complicity with the publication of the proclamation fraud and shows that they took the earliest opportunity of exposing it by telegraphing on their line east and west.

JOHN A. DIX,
Major-General.

WAR DEPARTMENT,
Washington City, May 21, 1864.

General JOHN A. DIX,
New York:

You may release the operators, &c., of the Independent Telegraph, but retain possession of the offices, &c., until further order.

EDWIN M. STANTON,
Secretary of War.

INDIANAPOLIS, IND., May 22, 1864.

His Excellency the PRESIDENT OF THE UNITED STATES:

I started one regiment of 100-days' men yesterday, another to-day. I shall send one to-morrow, another on Monday, another on Tuesday, another on Wednesday, and another on Thursday.

I am organizing and sending forward as rapidly as possible.

O. P. MORTON,
Governor.

LOUISVILLE, May 22, 1864—3.20 p. m.

Brig. Gen. J. B. Fry,
Provost-Marshal-General:

Guerrillas now overrun Second District, preventing serving notices and pressing drafted men. General Burbridge goes to-morrow with most of the force in the State to meet Morgan, who is organizing a raid at Abingden, Va. Under the law as it stands half the draft will be legally violated. Can you not procure at once the passage of my proposed amendment?

W. H. SIDDELL,
Major and Acting Assistant Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, May 22, 1864—9 p. m.

Major-General DIX,
New York:

On Friday evening General Grant commenced a movement for the purpose of compelling Lee to abandon his position at Spotsylvania the details of which, for obvious reasons, should not be made public. It has thus far progressed successfully. Longstreet's corps started south at 1 o'clock Friday night, an hour and a half after Hancock moved. Ewell's corps followed Longstreet last night. The indications are that the rebel army has fallen back beyond the North Anna. Hoke's brigade has joined Lee. The movement of General Grant has thus far been accomplished without any severe engagement or serious interruption. We now occupy Quinay's Station, Milford Station, and south of the Mattapony on that line. A dispatch received this morning from General Canby, dated May 14, at the mouth of Red River, says:

We have rumors to-day from rebel sources that the gun-boats, except two, succeeded in getting over the falls at Alexandria on the day mentioned in General Banks' dispatch.

No dispatches have been received to-day from General Butler. Dispatches from Kingston state that General Sherman's forces are resting and replenishing their supplies.

EDWIN M. STANTON,
Secretary of War.

NEW YORK, May 22, 1864.
(Received 1.45 p. m.)

Hon. E. M. STANTON,
Secretary of War:

I read to the editors of The World and Journal of Commerce the order for the restoration of their respective establishments. They

desire a copy and also a copy of the President's order directing their establishments to be seized. I did not publish the latter, as the authority given to me to do so was to be executed after the arrest of the editors, &c., and their arrest having been countermanded, I did not consider myself authorized to make the publication.

JOHN A. DIX,
Major-General.

WAR DEPARTMENT,
Washington City, May 23, 1864—11 a. m.

His Excellency Governor SEYMOUR,
Albany:

Would it be possible for you to come to Washington immediately to enable me to confer with you personally on some matters of great personal interest? Please answer.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 23, 1864.

Major-General DIX,
New York:

You will deliver up to the telegraph companies their offices and instruments and remove their guards.

EDWIN M. STANTON.

(Same to General Cadwalador, Philadelphia; General Wallace, Baltimore; Colonel Bemford, Harrisburg; and Captain Fester, Pittsburg.)

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 40. } *Washington, May 24, 1864.*

Chief mustering officers of the respective States will be prepared at all times to muster out of service such regiments of volunteers, or detachments thereof, as may be entitled to their discharge.

In mustering out troops particular attention is invited to the requirements of the Mustering Regulations in connection with Circular No. 36, current series, from this office. Great care must be taken to prevent the muster out and discharge of men who are not entitled to the same.

Timely requisitions should be made for the necessary blank forms for muster out and discharge.

Timely notice should be given if the force of mustering officers on duty is not sufficient to muster out and discharge the troops promptly.

The Pay Department should be advised of the arrival of regiments or detachments, so that no delay will ensue in making the necessary payments.

So soon as a regiment or detachment is mustered out and paid off the chief mustering officer will make a report thereof to this office, stating therein the dates of muster out, payment, and arrival in the State.

E. D. TOWNSEND,
Assistant Adjutant-General.

SPECIAL ORDERS, } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 186. } Washington, May 24, 1864.

16. Brig. Gen. Philip St. George Cooke, U. S. Army, is hereby assigned to duty as Superintendent of the General Recruiting Service of the U. S. Army. The superintendents of the regimental recruiting services will at once report by letter to him at New York City.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., May 24, 1864.

Maj. W. H. SIDELL,
Adj. Asst. Provost-Marshal-General, Louisville, Ky.:

Questions as to the payment of commutation by drafted slaves to their masters and the substitution of one slave for another in the draft have been the subject of correspondence with this office. When cases actually arise in the progress of the draft, let the facts of the names and the particulars be reported to me.

JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS DEPARTMENT OF THE NORTHWEST,
Milwaukee, Wis., May 24, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: I have the honor to transmit inclosed an extract from a letter just received from General Sibbey, commanding District of Minnesota.

You will perceive from this report that the Sioux Indians, who committed in 1862 the horrible and indiscriminate murder of men, women, and children in the frontier towns and settlements of Minnesota, are still harbored in the English settlements along the northern frontier of that State. Outhwed among the whites and driven from among the Indian tribes of the plains, these miscreants, unless subsisted and countenanced by the English settlers and traders, must long since have perished with want, or have surrendered unconditionally to the military authorities of the United States. As matters stand these Indians have found a refuge in sight of the frontier settlements of Minnesota, and, subsisted and supplied with ammunition by English subjects, they are lying in wait for an opportunity to renew the depredations and recommit the terrible massacre upon defenseless women and children at which humanity has stood aghast. Although repeated remonstrances have been addressed to the British authorities, accompanied by urgent request that these outlaws be driven from the British settlements and refused provisions and ammunition, delivered up to the U. S. authorities, or that in case of sufficient force is available for this latter purpose, the military forces of the United States be permitted to pursue and destroy them.

in British territory, the only answer ever given has been a pointed refusal by the English Government to permit U. S. forces to follow these outlaws into British territory. When it is remembered that for hundreds of miles the common boundary is an imaginary line, running through a nearly uninhabited country, that these Indians can lie in wait at any point along this great distance, and that it would require many thousands of soldiers to guard with any hope of success so long a line; and when it is further considered that the Indians thus sheltered, subsisted, and protected by English subjects are outlawed for their crimes both by whites and their own race, and are only seeking security under the English flag to wait an opportunity to massacre innocent and defenseless women and children in Minnesota and Dakota, it is difficult to restrain the feeling of horror and indignation at such conduct on the part of the English Government and of civilized English subjects. It is to be considered, also, that whilst such has been the extraordinary course of the English Government and of the English subjects of the Selkirk settlements, goods of all kinds, ammunition included, are permitted to pass in original packages through the United States to Saint Paul, Minn., and are from that place transported to the Selkirk settlements for the benefit and profit of the English subjects who countenance and shelter these outlawed Indians. Worse still, these Indian outlaws are absolutely furnished from these very supplies, thus permitted to be sent through the United States, with ammunition and subsistence to commit indiscriminate massacres and outrages upon citizens of the United States. It is difficult in an official communication to characterize in fitting terms the conduct of the English Government and of British subjects in this matter. It will be sufficient to say that it is abhorrent to every feeling of humanity and to every principle of justice and fair dealing. As it seems impossible to obviate this condition of things through the action of the English Government, or through the sense of right of the British subjects of the Selkirk settlements, I desire, with the permission of the President, to issue the inclosed order, which, if it do not remedy the existing state of affairs, will at least prevent foreign subjects from furnishing arms and supplies to Indians who commit massacres upon citizens of the United States without sacrificing great pecuniary and personal interests of their own. That the present condition of affairs on this frontier should be permitted to continue without decisive action on the part of the United States Government is not to be believed, and I therefore propose the only means which occur to me to protect the interests of the United States in a legitimate manner, and, as far as is now practicable, from the unfriendly and unjustifiable conduct of the English Government and its subjects in this region.

I have the honor to be, very respectfully, your obedient servant,
JNO. POPE,

Major-General, Commanding.

[First Indorsement.]

MAY 28, 1864.

Respectfully forwarded to the Secretary of War. Approval of order not recommended.

H. W. HALLECK,
Major-General and Chief of Staff.

[Second Indorsement.]

WAR DEPARTMENT,
June 1, 1864.

Respectfully returned to Major-General Hallock, Chief of Staff,
General Pope's proposed order is disapproved.

By order of the Secretary of War:

JAS. A. HARDIE,
Colonel and Inspector-General.

[Inclosure No. 1.]

HQRS. DIST. OF MINNESOTA, DEPT. OF THE NORTHWEST,
Saint Paul, Minn., May 18, 1864.

Maj. Gen. JOHN POPE,
Comdg. Dept. of the Northwest, Milwaukee, Wis.:

* * * * *

A part of the Sioux refugees, if not all, still remain in the British settlements about Fort Garry, and they avow their intention to do all the mischief they can to our people. The mail carrier was fired at on his way from Abercrombie to Pembina about ten days since by two Sioux. A ball passed through his clothes, and he only escaped by the speed of his horse. The mail was left behind by him, and was found and burned by the Indians, the lock and other portions of the iron work of the mail-bag having been subsequently picked up by our men. My predictions of last winter of the course which would be pursued by these wretches who were saved from starvation by British subjects, only to renew their raid upon our settlements, are too apt to be realized, and I shall be happily disappointed if as soon as the grass is sufficiently grown for purposes of concealment they are not found renewing the outrages of 1862 on our frontier, so far as they are permitted to do so unchecked. Surely our Government owes it to our citizens, who are exposed to the merciless cruelties of these monsters in human shape along our extensive border, to insist that the British Government shall immediately adopt the most prompt and summary measures to restrain these outlaws from seeking a refuge from pursuit upon British soil. I shall dispose of the few troops I shall have at my disposal to cover the settlements as effectually as practicable, but it is evident that all exposed points cannot be guarded.

I am, general, respectfully, your obedient servant,

H. H. SIBLEY,
Brigadier-General, Commanding.

[Inclosure No. 2.]

SPECIAL ORDERS, }
No. —. }

HQRS. DEPT. OF THE NORTHWEST,
Milwaukee, Wis., ———, 1864.

The British subjects of the Selkirk settlements having for the past year harbored, fed, and supplied with ammunition the outlawed Sioux Indians who committed the horrible massacres in 1862, and recently, upon defenseless men, women, and children of Minnesota, and who are still lying in wait under the protection of the British flag to renew their atrocious outrages upon American citizens when opportunity offers, and the authorities of the Selkirk settlements having refused to cease furnishing supplies to these outlawed miscreants, to deliver them up to the military authorities of the United States, to expel them

from the British Possessions, or to permit U. S. troops to follow them into British territory; and the English home Government having, in spite of repeated remonstrance and protest, failed to prevent such unwarrantable conduct on the part of its subjects, and having positively refused to permit the U. S. troops to pass into British territory to chastise and capture the British outlaws, it is hereby ordered that no goods of any description for English subjects or their agents in or near the Selkirk settlements be permitted to pass north of Saint Paul, or by any other route through this military department to their destination. Any goods now in transit for the Lower Red River, consigned to English subjects or their agents, will be turned back to Saint Paul, or held in custody by the military authorities in the District of Minnesota, until further orders from these headquarters. No trade will be permitted between citizens of the United States and British subjects in the territory north of Minnesota and Dakota, and no goods, furs, nor articles of any kind for traffic or transmission will be permitted to pass in or out of the British settlements north of this department through the territory of the United States. The commanding officers of the Military Districts of Minnesota, Iowa, and Dakota are charged with the execution of this order, and will see that it is strictly enforced within the limits of their respective commands.

By command of Major-General Pope:

Assistant Adjutant-General.

ALBANY, May 24, 1864.

Hon. E. M. STANTON:

I will try to be in Washington this week.

HORATIO SEYMOUR.

COLUMBUS, OHIO, May 24, 1864.

(Received 3 p. m.)

Hon. E. M. STANTON,

Secretary of War:

Have you anything cheering or consoling that you can give me, either confidentially or publicly, as to the position of army affairs? Are things working smoothly, and is there anything in the situation unpromising for the result of present or future movements? Do you still retain your perfect confidence in the result?

JOHN BROUGH.

WASHINGTON, D. C., May 24, 1864—7 p. m.

Governor BROUGH,

Columbus, Ohio:

Yours to Secretary of War asking for something cheering. We have nothing bad from anywhere. I have just seen a dispatch of Grant of 11 p. m. May 23, on the North Anna and partly across it, which ends as follows: "Everything looks exceedingly favorable for us." We have nothing later from him.

A. LINCOLN.

WAR DEPARTMENT,

Washington City, May 24, 1864—10 p. m.

Governor BROUGH,

Columbus:

This Department has received dispatches from General Grant to 8 o'clock this morning. The movements commenced by him on Friday night forced the rebels to abandon their strongly fortified position at Spotsylvania Court-House and fall back toward Richmond. Yesterday General Grant pushed his columns across the North Anna, where a very heavy engagement took place. The rebels were driven back with great loss. Our loss is reported to be inconsiderable. The enemy is retreating, our troops following them up closely. Negroes report that Lee is retreating to Richmond. General Grant says, "Everything looks exceedingly favorable to us." Nothing of importance has transpired between General Butler's forces and the enemy since Saturday night, when an attack by the enemy was handsomely repulsed. General Sherman moved south from Kingston yesterday, and no reports from him are expected for some days. Our troops on the Red River have safely reached Shimsport in better condition than was expected, and will soon be able to resume offensive operations. This is the brief summary of official reports received to the present date by this Department, and you are at liberty to make it public.

EDWIN M. STANTON,

Secretary of War.

(Same to Governor Morton, Indianapolis; Governor Yates, Springfield; Governor Stone, Duvenport; Governor Lewis, Madison, Wis.; Governor Johnson, Nashville; Governor Bramlette, Frankfort.)

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

Washington, D. C., May 24, 1864.

General B. R. COWEN,

Adjutant-General of Ohio, Columbus, Ohio:

GENERAL: In reply to your communication of the 18th instant, I have the honor to state that men in the 100-days' service will be allowed by the board of enrollment of the district in which they are or may be drafted reasonable time, say ten days after the expiration of their term of service, to procure substitutes or pay commutation.

I have the honor to be, general, very respectfully, your obedient servant,

JAS. B. FRY,

*Provost-Marshal-General.**MADISON, WIS., May 24, 1864.*

His Excellency ABRAHAM LINCOLN,

President of the United States:

Your telegram of 21st instant received.* Am doing all I can to forward 100-days' troops. Have two regiments reported full. They will be mustered and ready to leave as soon as arms are provided for them. Two more regiments are nearly full. Hope to be able to give you five regiments very soon.

JAS. T. LEWIS,

Governor of Wisconsin.

*See Series I, Vol. XXXVIII, Part IV, p. 274.

CIRCULAR }
No. 41. }

WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, May 25, 1864.

1. The Secretary of War directs that, in cases where officers and enlisted men (such as exchanged prisoners, convalescents, &c.) are to be sent to their regiments in the field, they shall not be forwarded, unless it is probable that they will reach their regiments in time to serve at least ten days before the expiration of their term of service.

2. The attention of all commanders is invited to the orders from this office directing that the men whose terms of service expire at the expiration of the original term of the regiment should be sent to the State to which the regiment belongs, to be mustered out under the superintendence of the chief mustering officer of the State. When the term of service of enlisted men expires at other times, they should be mustered out of service by the commissary or assistant commissary of musters of the command in which they may be serving. When enlisted men are too sick to travel to the proper place of muster-out, they will be discharged for disability in the usual way, stating, in addition, the fact that the soldier's term of service has expired. The discharge of men of the Veteran Reserve Corps is provided for by Circular No. 12, current series, from this office.*

E. D. TOWNSEND,
Assistant Adjutant-General.

FRANKFORT, KY., May 25, 1864.

Hon. E. M. STANTON,
Secretary of War:

If the following meets your approbation, please advise me. On June 1 I can consolidate all six-months' volunteers into regiments. The residue of 10,000 men I will fill up with three-months' militia, whose service our laws authorize me to enforce when their term expires. I will replace them [with] others, making the whole six-months' service. They should be mustered into U. S. service. The draft has crippled recruiting, and we may be unable to get enough volunteers soon enough for you.

THOS. E. BRAMLETTE,
Governor of Kentucky.

ATTORNEY-GENERAL'S OFFICE,
Washington, May 25, 1864.

Major-General WALLACE,
Commanding Middle Department, Baltimore, Md.:

SIR: Complaint has been made to me as law officer of the Government, several weeks ago, and again within the last few days, of an order of yours entitled "General Orders, No. 30," and dated "Baltimore, Md., April 26, 1864."†

The only copy of this order which has been brought to my knowledge is in print, clipped from a Baltimore newspaper; yet, having no reason to doubt its genuineness, I treat it as genuine.

That order, general, it seems to me, assumes a very large power over persons, contracts, and property purely civil, and over which the military has no lawful authority. The attempt to enforce it generally

* Omitted; same as circular letter of December 17, 1863, Vol. III, this series p. 1174.

† See Series I, Vol. XXXIII, p. 989.

will be productive of many evils. In the first place, it can hardly fail to produce a painful conflict of jurisdictions. In the second place, I fear that it is but sowing broadcast a crop of future litigation. For (there being really no law to support the order) all responsible persons engaged in its enforcement will be in danger of ruinous lawsuits as soon as tranquillity is restored and the courts resume the peaceful administration of the law. In the third place, though all of us do readily acquiesce in the exercise of extraordinary powers, when it is plain that the exercise of the powers is a military necessity, yet few men will consent, as a matter of convenience or expediency, to transfer the adjudication and execution of the statute law from the constituted courts to a military provost, or even to the general of an army, or that the military shall dispose of civil rights without law. In the fourth place, it will give to the enemies of the President and his Administration a plausible ground to reiterate the accusation, already so often and so loudly made, that he and they set themselves up as above the law of the land and seek to engross all power in the military hand.

I beg you, general, to consider seriously of these suggestions, and with the hope on my part that you will find it prudent and wise to abstain from the effort to enforce that order.

Furthermore, I beg to draw your attention to the two acts of Congress of August 6, 1861, and July 17, 1862, whereby Congress has provided another and different method of proceeding to "suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes." These acts of Congress require the proceedings to be judicial and in the courts; and the President has long ago, by special orders, charged the Attorney-General with the superintendence and direction of all such proceedings. And, for your clearer information upon that subject, I have the honor to send to you herewith copies of the President's two orders, dated, respectively, November 13, 1862,* and January 8, 1863, under which, and by my direction, the local law officers of the Government are now, and for a long time have been, acting.

This letter is written to you, sir, after conversation with the President and with his knowledge and permission. And I respectfully request an answer at your earliest convenience.

I have the honor to be, with great respect, your obedient servant,
EDW. BATES,
Attorney-General.

[Inclosure.]

EXECUTIVE MANSION,
January 8, 1863.

Ordered by the President:

Whereas, on the 13th day of November, 1862, it was ordered that the Attorney-General be charged with the superintendence and direction of all proceedings to be had under the act of Congress of the 17th of July, entitled "An act to suppress insurrection, to punish treason and rebellion, and to seize and confiscate the property of rebels, and for other purposes," in so far as may concern the seizure, prosecution, and condemnation of the estate, property, and effects of rebels and traitors, as mentioned and provided for in the fifth, sixth, and seventh sections of the said act of Congress; and

Whereas, since that time it has been ascertained that divers prosecutions have been instituted in the courts of the United States for the

* See Vol. II, this series, p. 705.

condemnation of property of rebels and traitors under the act of Congress of August 6, 1861, entitled "An act to confiscate property used for insurrectionary purposes," which equally require the superintending care of the Government:

Therefore, it is now further ordered by the President that the Attorney-General be charged with superintendence and direction of all proceedings to be had under the said last-mentioned act (the act of 1861) as fully in all respects as under the first-mentioned act (the act of 1862).

By the President:

ABRAHAM LINCOLN.

EDW. BATES,
Attorney-General.

HEADQUARTERS U. S. FORCES ON THE RIO GRANDE,
Brownsville, Tex., May 25, 1864.

His Excellency President A. LINCOLN:

DEAR SIR: The loyal Texans now within our lines ask of you the appointment of Judge John Hancock as a brigadier-general of volunteers, with authority to take special charge of recruiting in this State and at once form a brigade. I think he has more influence among the Unionists than any other one man, which, combined with his great energy and his personal good habits, would make him a valuable man for the Government to have in this section.

I think there is no doubt but that he could fill up a brigade within a few months. I have seen the list of Texans who recommend Judge Hancock, and find there the names of all the prominent refugees. I believe the appointment of Judge H. would be of benefit to the service.

I have the honor to be, with great respect, your obedient servant,
F. J. HERRON,
Major-General of Volunteers.

[Indorsement.]

NEW ORLEANS, *June 11, 1864.*

I commend this subject to favorable consideration, and from the character given Judge Hancock I think a more suitable selection could not be made.

ED. R. S. CANBY,
Major-General, Commanding.

GENERAL ORDERS, { WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 202. { *Washington, May 26, 1864.*

The following act and joint resolution of Congress are published for the information and guidance of all concerned:

I. PUBLIC—No. 73.

AN ACT to organize a regiment of veteran volunteer engineers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to enlist, out of any volunteer forces in the Army of the Cumberland that have served, or are now serving, as pioneers, pontoniers, or engineers,

to serve wherever required, for three years, or during the war, to consist of ten companies, and to have the same organization, pay, and emoluments as are allowed to engineer soldiers, under the provisions of the fourth section of an act entitled "An act providing for the better organization of the military establishment," approved August third, eighteen hundred and sixty-one.

SEC. 2. *And be it further enacted*, That the officers of the engineers authorize to be raised under the provisions of the foregoing section shall be appointed and commissioned by the President of the United States, on the recommendation of the commander of the Army of the Cumberland, and shall receive the same pay and allowances as engineer officers of similar grade in the Regular Army.

Approved May 20, 1864.

II. PUBLIC RESOLUTION—No. 20.

JOINT RESOLUTION relative to pay of staff officers of the lieutenant-general.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the staff officers on the staff of the lieutenant-general shall be entitled to receive the same pay, emoluments, and allowances as staff officers of the same grade on the staff of corps commanders, the same to take effect from the day of their appointment on the staff of the lieutenant-general.

Approved May 20, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 19. } *Washington, May 26, 1864.*

The following opinion of Hon. William Whiting, Solicitor of the War Department, is published for the information and guidance of all officers of this Bureau:

Relative to the furnishing of substitutes previous to draft.

Opinion.—The act of February 24, 1864, section 4, provides that any person enrolled under the provisions of the act for enrolling and calling out the national forces, and for other purposes, approved March 3, 1863, or who may be hereafter so enrolled, may furnish, at any time previous to the draft, an acceptable substitute who is not liable to draft, nor at the time in the military or naval service of the United States; and such person so furnishing a substitute shall be exempt from draft during the time for which such substitute shall not be liable to draft, not exceeding the time for which such substitute shall have been accepted.

Two persons liable to draft in Worcester, Mass., where they reside, offer substitutes to the provost-marshal at Washington, with the request that they may be accepted and mustered in, and duly reported to the provost-marshal of the Eighth Massachusetts District, so as to entitle the persons offering them to the exemption provided for by statute.

There is no objection in law to the reception of these substitutes, under such rules and regulations as may be provided for the protection of the interests of the United States, as well as that of the persons enrolled in the military forces.

It is equally beneficial to the service to accept substitutes in Washington as in Massachusetts. I see no reason why the request should not be granted.

JAMES B. FRY,
Provost-Marshal-General.

TRENTON, May 26, 1864.

Hon. E. M. STANTON:

Will 100-days' men be exempt from any draft hereafter ordered that may be executed during their term of service? Answer.

JOEL PARKER.

WAR DEPARTMENT,
Washington City, May 26, 1864.
 Governor PARKER,
Trenton, N. J.:

The 100-days' men will not be exempted from draft; but if any of them should be drafted the 100-days' service will be credited to the person so drafted and reduce the term of service.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 26, 1864.
 His Excellency Governor BROUGH,
Columbus, Ohio:

This morning's report of the Adjutant-General shows that since the date of the proposition made by you and other Governors of Western States to the President thirty-eight regiments of infantry troops, numbering over 32,000, have been called out, armed, equipped, and sent from the State of Ohio to the respective posts designated by this Department, and this while the draft is going on for three-years' men, and all the veteran troops in the field re-enlisted. This prompt and energetic action of yourself, your staff, and the loyal people of the State exhibits an unmatched effort of devoted patriotism and stern determination to spare no sacrifice to maintain the National Government and overthrow the rebellion. You will please accept for yourself and the patriotic people of Ohio the thanks of the President and of this Department.

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
 No. 204. } *Washington, May 27, 1864.*

The following resolution of Congress is published for the information of all concerned. All officers in the U. S. service, from whom reports of military operations are due, and who have not forwarded the same, are hereby required to transmit them to the Adjutant-General of the Army without delay:

PUBLIC RESOLUTION—No. 27.

A RESOLUTION to provide for the printing of official reports of the operations of the armies of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to furnish the Superintendent of Public Printing with copies of all such correspondence, by telegraph or otherwise, reports of commanding officers, and documents of every description in relation to the existing rebellion, to be found in the archives of his Department since the first day of December, eighteen hundred and sixty, to the present time, and during the continuance of said rebellion, which may be, in his opinion, proper to be published with said correspondence, reports, and documents, [which] shall be arranged in their proper chronological order.

SEC. 2. *And be it further resolved, That the Superintendent of Public Printing shall cause to be printed and bound (in addition to the usual number) ten thousand copies of such correspondence, reports, and documents, in volumes of not exceeding (as near as may be) eight hundred octavo pages each, which shall be distributed by the Secretary of the Senate, as follows, to wit: Five hundred*

copies to the War Department; one complete copy to each State library of every State in the Union, and five complete copies to public libraries in each Congressional District of the United States, to be designated by the Representatives of the present Congress from such district; and of the remaining copies three thousand shall be for the use of members of the present Senate, and six thousand for the use of members of the present House of Representatives.

SEC. 3. *And be it further resolved*, That it shall also be the duty of the Secretary of War to cause a complete index of the matter contained in each volume to be prepared and inserted therein.

SEC. 4. *And be it further resolved*, That all resolutions adopted by either House of Congress, at its present session, directing the printing of any of the correspondence, reports, or documents, as above contemplated, be, and the same are hereby, rescinded.

Approved May 19, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT,
Washington City, May 27, 1864.

Governor BRAMLETTE,
Frankfort:

The proposition contained in your telegram of the 25th in relation to consolidating your six-months' men is approved, and also filling up with three-months' men, whose places are to be supplied by others at the end of their term.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, May 28, 1864—11 p. m.

Governor BROUGH,
Columbus:

We have dispatches from the Army of the Potomac down to 7 o'clock this morning. On Thursday night General Grant commenced a movement to turn the enemy's position between the North and South Anna, by passing rapidly down the north side of the Pamunkey and crossing at Hanovertown. This was in course of successful accomplishment, and it was believed the whole army would be across by noon to-day at Hanovertown and ferry, which brings our army within fifteen miles of Richmond.

EDWIN M. STANTON,
Secretary of War.

(Same to Governor Morton, Indianapolis; Governor Bramlette, Frankfort; Governor Yates, Springfield; Governor Stone, Davenport; Governor Lewis, Wisconsin.)

SPRINGFIELD, ILL., *May 28, 1864.*

Hon. E. M. STANTON:

I earnestly request that all troops for 100-days' service be mustered by companies. They cannot be clothed until mustered, and they are becoming demoralized and deserting. I will complete regimental organization next week. I regret to say that the disloyal disposition,

and the difficulties of procuring subsistence, transportation, clothing, and muster will prevent us having the full quota of 20,000. Thirteen regiments are nearly full. All of them can be turned out next week. The companies which are full are suffering for clothing, waiting for those which are not full.

R. YATES,
Governor.

BALTIMORE, MD., May 30, 1864.

Hon. EDWARD BATES,
Attorney-General:

SIR: I have the honor to acknowledge the receipt of your communication of the 25th May relative to General Orders, No. 30, current series, from this department, and expressing a hope that I will find it wise and prudent to abstain from the effort to enforce them.

In reply I beg to say that I have published two general orders upon the subject (30 and 33), which are inclosed,* and when you have read them, in connection with my explanation, which I am obliged to you for giving me the opportunity to make, you will understand why I cannot agree to the view you have taken of them.

Upon assuming command of the Middle Department my attention was called to certain facts, which may be summed up as follows:

Thousands of the people of Maryland had, at one period or another of the rebellion, gone South, where, as soldiers or citizens, they were working in the interests of the so-called Confederacy. Of these many were owners of large properties, landed and otherwise, situated in my department, the revenues of which I found them still drawing. Upon closer inquiry I found that this beget interests which were the source of constant communication between the property holders mentioned and their agents here, and, what was more objectionable, supplied the traitors with means of personal support. The idea that the men who were carrying swords and muskets to kill our soldiers, or who in some capacity were using every faculty of mind and body to ruin our Government, should at the same time live fat, and arm and uniform themselves and support their families, from revenues regularly drawn from estates within my lines, looked to me like a jest, grim and intolerable, and without a color of humor.

This was a state of affairs inadmissible by the laws of war and inconsistent with the spirit of certain acts of Congress. I mean the acts of 1861 and 1862, to which you refer in your letter, and which I beg you to believe I had carefully read.

In taking steps to break up the interests of the traitors spoken of, I consider not only the measures most effective for the purpose, but such as I thought compatible with existing orders and laws, and finally adopted Orders 30 and 33. At the time of their issuance I knew they were assumptions of large power over persons, contracts, and property purely civil; but they were necessary powers, and as such exercised every day. The persons reached by them were such as had voluntarily expatriated themselves for criminal purposes; the contracts they impaired derived validity from laws which the beneficiaries were fighting to subvert; and as to the civil status of the means and property affected it argued nothing, in my judgment, because they were allke instruments used in supporting the rebellious side of the war.

* See Series I, Vol. XXXIII, p. 980, and Vol. XXXVII, Part I, p. 638.

With this admission I proceed to say that the orders are founded upon certain laws of war treated of in every respectable work on that subject. The stoppage of goods contraband is clearly my right, and I contend that it is as much my duty to stop money going to rebel soldiers and citizens as clothing, medicinal supplies, &c.

Next, I say that it is not possible, in my opinion, for the orders to conflict in any manner with the acts of Congress you have cited or with the President's order, for the reasons:

First. It is not proposed to confiscate either property or money. The rents, interest upon debts, dividends and stocks, profits of farms, hire of slaves, &c., are merely paid to my post quartermaster, who is a bonded officer, and who has no authority by the orders to convert, use, or otherwise dispose of them. He merely holds them in his custody for certain objects, viz: To deprive the rebel citizen or soldier of their use and benefit. To keep them in possession, so that if the law officers of the Government ever do prosecute the properties to judgments of confiscation the revenues arising therefrom up to dates of judgment will be at the disposal of the Government or the court.

Second. The orders were intended not merely to cripple native enemies by depriving them of revenues, but also to assist the law officers of the Government by discovering properties liable to be confiscated, against which they are at liberty to proceed whenever they are so disposed. And I will remark in passing that my corps of detectives, summary notices, and expeditious procedures give me much superior facilities for discovering liable property that I believe every law officer who is as much in earnest in the discharge of his duties as you are, at least as I am in the discharge of mine, will, when he comes to understand it, be obliged to me for assistance thus rendered.

That an energetic execution of the acts named would go far toward rendering my orders superfluous, I grant; but to show what the law officer has done in this district I beg leave to forward you a statement certified by the clerk of his court of the judgments condemnatory obtained to this date and of proceedings now pending. It exhibits but one cause pending and but one judgment rendered under which, by the way, there has not as yet been a sale of the equitable interest forfeited. On the other hand, to show what valuable assistance my orders are, if they should be accepted in that spirit, I also inclose for your inspection a report from Lieutenant-Colonel Bliss, who, under the orders, is my acting receiver. The colonel's exhibit, I beg you to bear in mind, is that of a few weeks, while the one judgment obtained by the U. S. attorney is the result of the labors of nearly three years.

You urge me in your letter to abstain from execution of my orders. I beg your pardon for saying that they were originally issued from a sense of duty, which still governs me, and which I must interpose as an apology for declining to accede to your request.

To illustrate the effect of the revocation of the orders I venture to give you the following:

I have seized the estate of rebel General George H. Stuart, of the conjectural value of \$250,000, and situated on the banks of South River, Md. The property is protected by a flimsy deed of trust, executed to the grantor's sons, some of whom, like their father, are in the rebel [service], or at least have been, while the rest are venomous sympathizers—a deed cobbled up after the rebellion broke out, signed in Richmond, and acknowledged there before unrecognized authorities. The revocation you ask for would be to give back at your request to a wretched traitor his means of support, by which he would be enabled to devote himself at elegant leisure to his accursed work.

Instead of seeking the revocation of my orders, of which, by the way, very few disinterested Union men will complain, I beg you to accept them as auxiliaries to your own labors and that of your law officers. My books, authority, detectives, &c., are all at your direction. I take pleasure in tendering them to you.

As your letter was written with the knowledge and permission of the President, may I hope you will be kind and generous enough to submit this paper to him?

I am, most respectfully, your obedient servant,

LEW. WALLACE,
Major-General, Commanding Middle Department.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
May 30, 1864.

GOVERNOR OF MAINE:

SIR: Under the orders of the Secretary of War the department has made complete arrangements for the prompt muster-out and discharge of all regiments, detachments, and individuals of the volunteer forces whose terms of service may hereafter expire. With the arrangements as made there can be no delay, and consequently no inconvenience or hardship to the enlisted men, if the regimental officers will perform their duty by looking after the records and rolls of their respective commands, and thus secure and furnish the necessary data upon which a muster-out and discharge can be based. After the arrival of volunteers in the State, as well as during their transit thereto, it is the duty of the commissioned officers to look closely after the comfort and interests of the enlisted men in all respects, and to remain constantly with them, so as to control them. With the view of holding neglectful officers to a strict accountability, I am directed to respectfully request that you will cause all such as may come under your notice to be reported to the superintendent of recruiting service and chief mustering officer for the State, who will make report thereof to this office. Prompt measures will then be taken to summarily punish the guilty parties.

I have the honor to remain, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

(Same to Governors of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, Indiana, Kentucky, Illinois, Missouri, Iowa, Minnesota, Wisconsin, Michigan. Copy to Major-General Dix, commanding Department of the East; Maj. Gen. Lew. Wallace, commanding Middle Department; Major-General Heintzelman, commanding Northern Department; Major-General Couch, commanding Department of the Susquehanna; Major-General Roscrans, commanding Department of the Missouri; Major-General Meade, commanding Army of the Potomac; Major-General Banks, commanding Department of the Gulf; Major-General Stoele, commanding Department of Arkansas; Major-General Butler, commanding Department of Virginia and North Carolina; Brigadier-General Hatch, commanding Department of the South; Major-General Pope, commanding Department of the Northwest; Major-General Sherman, commanding Military Division of the Mississippi; Major-General

Canby, commanding Military Division of West Mississippi. Same to Capt. William Silvey, Maj. D. D. Perkins, Brig. Gen. T. G. Pitcher, Maj. Fredorick Townsend, Maj. F. N. Clarke, Lieut. Col. J. V. Bomford, Capt. W. Owens, Maj. Charles C. Gilbert, Maj. H. B. Judd, Lieut. Col. William N. Grier, Maj. H. W. Wharton, Lieut. Col. John T. Averill, Col. J. H. Pottor, Col. James D. Greene, Capt. John H. Farquhar, Lieut. Col. B. H. Hill, Maj. W. H. Sidell, Lieut. J. R. Kemble, superintendents volunteer recruiting service.)

INDIANAPOLIS, *May 31, 1864.*

(Received 8 p. m.)

Hon. E. M. STANTON:

Can the fidelity of Governor Bramlette, of Kentucky, be relied on? It is important for me to understand this immediately. Answer by elpher.

O. P. MORTON,
Governor.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
May 31, 1864.

Capt. R. D. MUSSEY,
Nashville, Tenn.:

By direction of the Secretary of War you are authorized to recruit colored troops in Northern Georgia and Alabama. This authority to be subject to such restrictions as the commanding general of the army may find it necessary to impose.

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

IN THE SENATE OF THE UNITED STATES,
June 1, 1864.

Resolved, That the Secretary of War be requested, as soon as he receives information from the armies of the United States, to communicate the same to the Senate during the present session, when, in his opinion, such information can be given without injury to the public interests.

Attest.

J. W. FORNEY,
Secretary.

NEAR DALLAS, [GA.,] *June 1, 1864.*
(Received 10.20 p. m.)

Hon. E. M. STANTON:

I have the honor to request that authority may be given me to enlist from the volunteer forces in the Army of the Cumberland that have served or are now serving as pioneers, pontoniers, or engineers, a regiment of veteran volunteer engineers, as provided for by the act of Congress passed by the House as amended by the Senate May 18, 1864. This authority is requested in order that the work may be begun at once in advance of the approval by the President and the official publication of the act.

GEO. H. THOMAS,
Major-General, U. S. Volunteers, Commanding.

WAR DEPARTMENT,
Washington City, June 1, 1864.

Governor YATES,
Springfield, Ill.:

By the specific terms of your agreement with the Department the 100-days' men were to be mustered in when a regiment was full to the minimum, and the term of service was to be reckoned from that time. This agreement was sanctioned by Congress, and it formed the basis of the appropriation. To muster in by companies would be a plain violation of law, which this Department cannot commit. The clothing is on hand, ready for distribution on mustering of the regiments.

EDWIN M. STANTON.

WAR DEPARTMENT,
Washington, D. C., June 1, 1864.

Governor MORTON,
Indianapolis:

I think it can, especially as present appearances are not very encouraging to disloyalty. I believe the Governor is a firm Union man.

EDWIN M. STANTON,
Secretary of War.

JUNE 2, 1864.

Credits or rules relative to crediting commissioned officers on quotas.

Commissioned officers for new organizations are credited on quotas, if they are appointed from civil life, and have not been in the U. S. service at a prior date, either as officers or enlisted men, since the commencement of the rebellion.

THOMAS M. VINCENT,
Assistant Adjutant-General.

Hon. HENRY WILSON.

WAR DEPARTMENT,
Washington City, June 2, 1864.

Major-General THOMAS,
Near Dallas, Ga.:

You are hereby authorized to enlist a regiment from the volunteer forces in the Army of the Cumberland that have served, or are serving, as pioneers, pontoniers, or engineers, pursuant to the act of Congress passed at the present session authorizing such enlistments.

A formal order will be transmitted by mail. In the meantime you may go on at once with the enlistments, as suggested in your telegram of yesterday.

EDWIN M. STANTON,
Secretary of War.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 206. } Washington, June 3, 1864.

SENTENCE OF DESERTERS.

To avoid misconception, General Orders, No. 76, of February 26, and No. 196, of May 12, 1864, are hereby republished:

No. 76.

The President directs that the sentences of all deserters who have been condemned by court-martial to death, and that have not been otherwise acted upon by him, be mitigated to imprisonment during the war at the Dry Tortugas, Fla., where they will be sent under suitable guards by orders from army commanders.

The commanding generals, who have power to act on proceedings of court-martial in such cases, are authorized in special cases to restore to duty deserters under sentence when in their judgment the service will be thereby benefited.

Copies of all orders issued under the foregoing instructions will be immediately forwarded to the Adjutant-General and to the Judge-Advocate-General.

No. 196.

General Orders, No. 76, War Department, Adjutant-General's Office, February 26, 1864, commuting the capital sentences of deserters to imprisonment during the war at the Dry Tortugas, Fla., are so amended as to direct the discharge from the service of the United States, with forfeiture of pay and allowances due, of all persons to whose cases the provisions of the general orders apply.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

NOTE.—It is not the intention of the last order to remit the penalty of imprisonment at the Dry Tortugas during the war, but to add honorable discharge, with loss of pay and allowances due.

The order applies to soldiers convicted only of desertion, and does not relate to persons convicted of other crimes. The latter class will be punished according to their respective sentences.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 4, 1864.

COMMANDING GENERALS ARMIES AND DEPARTMENTS:

Chief mustering officers in the respective States report that veteran volunteers recently re-enlisted for three years, and recruits whose terms of service have not expired, and who are, therefore, not entitled to discharge, are being sent and arriving in the States for the purpose of muster out and discharge. This indicates great neglect on the part of subordinate officers, particularly regimental and company commanders, and should be corrected and stopped at once by orders from you. In Circular No. 36, current series, from this office, the discharge of such men is particularly referred to and prohibited.

By order of the Secretary of War:

THOMAS M. VINCENT,
Assistant Adjutant-General.

(Copies sent all superintendents volunteer recruiting service.)

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 207. } Washington, June 6, 1864.

The following acts of Congress are published for the information and guidance of all concerned:

* * * * *

PUBLISHED—No. 87.

AN ACT to repeal the first section of the joint resolution relative to the transfer of persons in the military service to the naval service, approved February twenty-four, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the joint resolution entitled a "Joint resolution relative to the transfer of persons in the military service to the naval service," approved February twenty-four, eighteen hundred and sixty-four, be, and the same is hereby, repealed.

Approved June 3, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } HQRS. DEPARTMENT OF THE SOUTH,
No. 82. } Hilton Head, S. C., June 6, 1864.

As the exigencies of the service require that all citizens of the United States should prove their allegiance to their country by rendering every assistance in the hour of her trial, and it being necessary, in a military department, that every male person capable of bearing arms should be ready for any emergency in the field, it is ordered:

I. That the general superintendent of the recruiting service for the Department of the South be, and is hereby, instructed and authorized to enlist and organize into companies and regiments all white male persons that can be so recruited within the State of Florida, the said enlistments to be in accordance with the rules and regulations of the War Department for the recruiting service and such other orders as may be given, from time to time, from these headquarters.

II. The men so enlisted shall be organized as Florida volunteers, but will be governed by the same rules and regulations and receive the same premium, bounty, pay, and pension as all volunteers now being enlisted into the service of the United States. They will not be required to do duty outside of their own State except in cases of extreme necessity.

III. Every white male person between the ages of eighteen and fifty, capable of bearing arms, now within this department or such as may hereafter come into it, who are not in the U. S. service, shall be immediately enrolled and organized into companies and battalions and drilled as infantry at least two hours a day of each week. Said militia shall be called into active service in case of an attack upon the post where they reside, or be required to do garrison duty should it be necessary, and while actually employed shall receive from the commissary one full ration per day.

IV. The ordnance officer of each post will furnish arms and accoutrements for the use of the militia, on requisition made by the post commander, who will be held responsible for the same and provide an armory where they shall be deposited. The arms and accoutrements shall be kept in good, serviceable condition and be taken from the

armory only by order of the officer charged with the instruction of the men, and will be returned immediately after use.

V. All refugees from within the rebel lines, or deserters from the rebel armies, and all alien subjects to foreign powers in amity with the United States Government, are exempt from the operation of this order.

VI. District commanders are charged with the enforcement of paragraphs III, IV, and V of this order, and are hereby authorized to appoint suitable officers to superintend the organization and drill of the militia within their respective commands. They will also cause signals to be arranged for calling together the militia at such rendezvous.

By command of Maj. Gen. J. G. Foster:

W. L. M. BURGER,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 6, 1864.

Maj. Gen. GEORGE H. THOMAS,

Comdg. Department of the Cumberland, Chattanooga, Tenn.:

SIR: I am directed to inclose herewith a copy of General Orders, No. 202, current series, from this office, promulgating the act of Congress authorizing the organization of a regiment of veteran volunteer engineers.* The enlistment and organization should be commenced at an early date. The organization of the force not provided for in the aforesaid act will conform to that prescribed in General Orders, No. 177, series of 1862, from this office. All musters into service must conform to the requirements of paragraph 85, Mustering Regulations of the Army, except that the third major when appointed can be mustered into service when the tenth company shall have been organized and mustered in. The muster out and in of the men enlisting to form the organization will be under the supervision and direction of the department commissary of musters and his assistants. In making the musters out and in the general provisions of sections 1, 2, and 3, paragraph 1, of General Orders, No. 359, series of 1863, will be applied, substituting in the remarks for General Orders, No. 191, "General Orders, No. 202, series of 1864, War Department."

Under section 2 of the act regulating this organization you will please forward immediately a list of the officers intended by you for the said force, so that they may be duly appointed. The officers so appointed will not be placed on duty in their new grades until you receive notification of the appointments, nor will they then be mustered in under the same until they have the necessary commands required by paragraph 85, Mustering Regulations.

The only bounty from the United States now allowed is that provided by section 5 of the act of July 22, 1860 (General Orders, No. 49, 1860), \$100. Payments of the said bounty are made under the provisions of General Orders, No. 163, series of 1863, from this office.

I have the honor to be, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

* See May 26, p. 406.

WAR DEPARTMENT,
Washington City, June 7, 1864.

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES:

SIR: I beg leave to submit to you a report made to me by the Provost-Marshal-General, showing the result of the draft now going on to fill the deficiency in the quotas of certain States, and recommending a repeal of the clause in the enrollment act commonly known as the \$300 clause. The recommendation of the Provost-Marshal-General is approved by this Department, and I trust it will be recommended by you to Congress. The recent successes that have attended our arms lead to the hope that by maintaining our military strength and giving it such an increase as the extended field of operations may require, an early termination of the war may be obtained. But to accomplish this it is absolutely necessary that efficient means be taken with vigor and promptness to keep the Army up to its strength and supply deficiencies occasioned by the losses sustained by casualties in the field. To that end resort must be had to a draft, but ample experience has now shown that the pecuniary exemption from service frustrates the object of the enrollment law by furnishing money instead of men. An additional reason for repealing the \$300 clause is that it is contemplated to make the draft for a comparatively short time. The burden of military service will therefore be lightened, but its certainty of furnishing troops is an absolute essential to success.

I have the honor to be, your obedient servant,

R. M. STANTON,
Secretary of War.

[Inclosure.]

WAR DEPARTMENT,
Washington City, June 6, 1864.

Hon. R. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: In accordance with the amended enrollment act, approved February 24, 1864, and your orders on the subject, I am now conducting a draft in various sub-districts for their respective deficiencies on quotas of troops heretofore assigned. The results of this draft, so far as shown by reports to this date, are worthy of attention. They are briefly as follows:

Number of drafted men examined, 14,741; number exempted for physical disability, 4,374; number exempted for all other causes, 2,632. Total exempted, 7,016. Number paid commutation money, 5,050; number who have furnished substitutes, 1,416; number held for personal service, 1,259 (this last includes some who may yet pay commutation money). Total not exempted, 7,725.

These reports came from sub-districts in eight different States. I invite your attention to the small proportion of soldiers being obtained under the existing law. I see no reason to believe that the Army can be materially strengthened by draft so long as the \$300 clause is in force, nor do I think it safe to assume that the commutation paid by a drafted man will enable the Government to procure a volunteer or substitute in his place. I do not think that large boundaries by the United States should be again resorted to for raising troops. I recommend that the \$300 clause, as it is known, be repealed.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

ADJUTANT-GENERAL'S OFFICE,
June 7, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: In view of the cruelties practiced in the State of Kentucky by owners of slaves toward recruits rejected by recruiting officers for physical disability, it is respectfully recommended that Brig. Gen. L. Thomas, Adjutant-General U. S. Army, be instructed in effect as follows, viz:

You will please instruct the superintendent volunteer recruiting service for the State of Kentucky to accept and enlist any slave who may present himself for enlistment, provided such slave is fit for any military service or duty in the engineer, quartermaster's, or commissary departments. Such men will be assigned to any "invalid" colored regiment in process of organization at the time of their enlistment. These instructions will not be construed as authorizing the enlistment of free colored men, or of slaves physically disqualified, who may be presented by their owners for enlistment.

Respectfully submitted.

C. W. FOSTER,
Assistant Adjutant-General of Volunteers.

[Indorsement.]

Approved.

EDWIN M. STANTON,
Secretary of War.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
June 7, 1864.

GOVERNOR OF MASSACHUSETTS,
Boston, Mass.:

SIR: In answer to your indorsement of the 3d instant upon a communication from the chairman of the committee for raising colored troops, you are hereby authorized to raise an additional regiment of volunteer infantry (either of white or colored men) under the following conditions:

First. The regiment must be organized within forty days from the date you may see fit to commence the recruitment. The recruitment and organization must not interfere with or in any way delay the efforts of the United States to raise troops in Massachusetts by draft or otherwise.

Second. The recruitment and organization must be conducted in strict conformity with the requirements of the recruiting and mustering regulations of the Army, including the changes made by General Orders, No 131, current series, from the Adjutant-General's Office. To this end the authority for the special departures from the regulations authorized in a letter dated October 26, 1863, from me to Brig. Gen. R. A. Peirce, quartermaster-general of Massachusetts, is hereby revoked, and will for the future be considered as entirely so aside.

Third. All men recruited under this authority will be promptly credited so soon as reported to this office by the Adjutant-General of the Army.

Fourth. The recruitment must be conducted in the State of Massachusetts.

I am, sir, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

NASHVILLE, June 7, 1864.

Maj. C. W. FOSTER,
Assistant Adjutant-General.

Have received so far 340 men from Kentucky. Am convinced from representations of loyal Kentuckians and from the papers that with my system I can recruit ten men to one, as now recruited, by forming regiments in the State and sending out my recruiting agents. The enlistments could be made by prevest-marshals, so as to afford all necessary security that owners be compensated.

If you will let me establish camp at five places in State and give me one company of troops raised here to form nucleus at each camp, I will agree to fill five regiments in six weeks.

General Webster, General Sherman's chief of staff, unofficially approves my proposition. Can't I do it? Please answer.

R. D. MUSSEY.

OFFICE OF SECRETARY OF STATE,
Little Rock, Ark., June 8, 1864.

AN ACT to raise a military force for the defense of the State of Arkansas.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas, That* the Governor of this State be required to make known to the President of the United States the helpless condition of the people of this State, and of the cruelty of marauding bands of guerrillas, bushwhackers, and murderers, and request him to allow all the Arkansas troops now in the United States service to remain in this State for active service and defense, and that it be made the special business to hunt out the marauding bands of thieves and robbers now infesting the State.

SEC. 2. *Be it further enacted, That* the Governor request of the President of the United States authority to raise such numbers of troops as may seem to him best, and in such manner and kind as the circumstances may require, to be termed Arkansas Rangers, with the understanding that said troops when so raised are to remain in the State, and so far as compatible with the public defense are to serve in the district or portion of the State in which they may be raised, the officers thereof to be selected from the most loyal and patriotic citizens of Arkansas and to be commissioned by the Governor, and that they be mustered into the service of the United States for the term of three years unless sooner discharged, and that they be fed, clothed, armed, and equipped by the Government of the United States as other troops of said service of like description: *Provided, however, That* said troops shall be subject to the orders of the general commanding the Department of Arkansas, and may by his order be marched out of the State for a period of thirty days when in his judgment their services are necessary to repel threatened invasion of the State.

SEC. 3. *Be it further enacted, That* it shall be the special duty of said troops, when organized in manner aforesaid, to hunt out and exterminate all marauding and lawless bands, and assist so far as may be consistent with the public defense in the enforcement of the civil laws of the State and the restoration of peace and quiet.

SEC. 4. *Be it further enacted, That* whenever the Governor may be satisfied that the authorities of the United States are willing to receive such number of troops as he may be able to raise upon the condition set forth in the foregoing sections of this act, he shall issue his proclamation calling for troops in such number and kind as he may have agreed true and patriotic men of Arkansas to command each call.

Sec. 5. *Be it further enacted*, That none but loyal and trustworthy men shall serve in said organization, and that this act take effect and be in force from and after its passage.

Approved May 23, 1864.

I certify that the foregoing is a true copy of the original on file in my office.

ROBERT J. T. WHITE,
Secretary of State.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

June 8, 1864.

Capt. R. D. MUSSIEY, U. S. Army,
Nashville, Tenn.:

Your dispatch of yesterday regarding recruiting in Kentucky is received. You will confer with the Adjutant-General of the Army on the subject. He will be at Louisville by Saturday next.

By order:

C. W. POSTER,
Assistant Adjutant-General of Volunteers.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

June 9, 1864.

ADJUTANT-GENERAL OF KENTUCKY,
Frankfort, Ky.:

SIR: By comparing the monthly returns received from your office with those received from Maj. W. H. Sidell, chief mustering officer of the State, a discrepancy of 1,716 men is found to exist, viz:

As per reports received from your office for—	
January, 1864	750
February, 1864	401
March, 1864	170
Add report for March	311
Add report for February, March, and April	841
For April	821
Total	2,000
Per reports from chief mustering officer for—	
January	115
February	313
March	140
April	707
	1,284
Difference	1,716

This difference (1,716) cannot be explained, as no returns have been received from Major Sidell covering this number. None of the reports received from your office have been countersigned by him, as required (see Note 4, on blank form), and therefore it is impossible for this Department to give the credits claimed.

Early attention is invited to the foregoing, so that the difference, if any, may be adjusted.

I am, sir, your obedient servant.

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,

GOVERNOR OF MISSOURI,

*June 9, 1864.**Saint Louis, Mo.:*

SIR: On the recommendation of Major-General Rosecrans by indorsement on a letter dated the 17th ultimo, from the Hon. S. H. Boyd, relative to raising additional troops for the protection of the southwest part of the State, you are hereby authorized to raise two regiments of volunteer infantry under the following conditions:

First. The regiments to be recruited to serve three years or during the war, the recruitment to be conducted in the State of Missouri.

Second. The regiments to be recruited without conditions as to place of service.

Third. The first regiment must be completely organized and mustered into the U. S. service before the second one is commenced.

Fourth. The organization, musters, and recruitment of the force must conform strictly to the requirements of the mustering and recruiting regulations, including General Orders, No. 131, current series, from the Adjutant-General's Office.

Fifth. The first regiment must be complete within the period of sixty days from the date of acceptance of this authority by you.

I have the honor, &c.,

JAS. B. FRY,
Provost-Marshal-General.

Hon. E. M. STANTON,

*COLUMBUS, OHIO, June 9, 1864.**Secretary of War:*

Matters in Kentucky are assuming a troubled appearance. General Ewing is telegraphing me for troops; says that Louisville and line of Nashville road are nearly defenseless. We have no troops here to spare. General Heintzelman has sent a regiment from Camp Dennison to-day, and one from Johnson's Island with a battery to Covington, in order to cover Cincinnati. These must not be taken from his control farther into Kentucky. We have sent too many East. Have no more now than are required to guard prisoners. Why cannot these prisoners at Camp Chase be removed to Eastern fortifications, where fewer men can hold them? This would be a relief. External raids and internal trouble in Indiana and Illinois promise a warm summer's work. You must leave us the means of self-protection and give us all the aid you can.

JNO. BROUGHT,
Governor.

CIRCULAR }
No. 21. }

WAR DEPT., PROV. MAR. GENERAL'S OFFICE,

Washington, D. C., June 10, 1864.

The following resolution is published for the information and guidance of all concerned:

PUBLIC—No. 87.

AN ACT to repeal the first section of the joint resolution relative to the transfer of persons in the military service to the naval service, approved February twenty-fourth, eighteen hundred and sixty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the joint resolution

entitled "A joint resolution relative to the transfer of persons in the military service to the naval service," approved February twenty-four, eighteen hundred and sixty-four, be, and the same is hereby, repealed.

Approved June 3, 1864.

The joint resolution referred to is in the following words.*

Circular No. 13, current series, from this office, and all instructions based thereon, establishing regulations for the proper execution of the joint resolution thus repealed, are hereby revoked.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT,
Washington City, June 10, 1864.

Governor YATES,
Springfield:

General Heintzelman reports to this Department that the State authorities of Illinois refuse to recognize his authority over troops mustered into the service of the United States, refuse to permit the troops to go where they are ordered, and assume the right and authority to control them. Will you please to inform me on what ground the State authorities claim or exercise any control over troops after they have been mustered into the service of the United States?

EDWIN M. STANTON,
Secretary of War.

SPRINGFIELD, ILL., *June 10, 1864.*
(Received 5.10 a. m. 11th.)

Hon. E. M. STANTON,
Secretary of War:

I do not claim the right to control the troops, after they have mustered, to prevent their going to the places ordered, nor any of the State authorities, so far as I know.

There is a misrepresentation somewhere. I have hurried the troops off as fast as raised to the places ordered.

RICHARD YATES,
Governor.

COLUMBUS, OHIO, *June 10, 1864.*

Hon. E. M. STANTON,
Secretary of War:

I am informed that Congressman Cox has been tampering with the One hundred and thirty-third Regiment National Guards, and advising them to refuse obedience to orders sending them to the front.

Several complaints have been received from members of regiment protesting against being sent forward. I telegraphed the colonel to expel Cox from the guard lines. Cannot something be done to prevent this unwarranted interference by Cox with our troops?

The regiment being from this city he is desirous of securing their favor. Governor Brough is at Cincinnati.

B. R. COWEN,
Adjutant-General.

* See Public Resolution No. 14 (omitting section 2) published in General Orders, No. 81, February 20, p. 144.

WAR DEPARTMENT,
Washington City, June 10, 1864.

Adjutant-General COWEN,
Columbus:

If you can furnish me evidence of Mr. Cox's tampering with the regiment he shall be promptly treated as such a crime deserves.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, June 10, 1864—8 p. m.

Governor BROUGH,
Cincinnati, Ohio:

Your telegram of yesterday has remained unanswered in the hourly expectation of receiving some report from General Burbridge concerning the nature and extent of the rebel movement in Kentucky. Nothing has yet been heard from him. His force ought to be much more than a match for anything the rebels can bring against him; but if the rebel force is of any magnitude it has probably Cincinnati and possibly Camp Chase in view. Nothing will be done to divert or weaken the force you have left, nor any effort spared to help you if there should be need. The Chief of Ordnance informs me that he has filled your requisition, and I trust you will not fail to make requisition for anything that we can furnish. In respect to moving the prisoners East, all the forts are full, and it would require more guards to transport them than to keep them where they are. The troubles in Illinois and Indiana forbid the expectation of any aid from those quarters, and the course of Yates does not seem likely to diminish the troubles. The military news is all right. No apparent movement has been made in front of Richmond the last three days, but in three days more something will transpire. Hunter's success has been very important. Nothing recent from Sherman. Let me hear from you.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, June 10, 1864.

Governor BROUGH,
Cincinnati:

Since my telegram of this evening to you I have an unofficial telegram stating that Burbridge had whipped the rebels at Mount Sterling. It occurs to me that three or four light-draft gun-boats to patrol from Louisville to Wheeling would afford Ohio great protection. For this purpose light-draft steam-boats, with one good piece of artillery on the bow, would serve if regular gun-boats cannot be had. I have applied to the Navy for gun-boats, and will let you know to-morrow whether they can be had. They are the best and cheapest protection you can have, and will save many troops in case of a serious rebel raid.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 10, 1864.

Maj. Gen. W. S. ROSECRANS,
Comdg. Department of the Missouri, Saint Louis, Mo.

GENERAL: In answer to your indorsement of the 1st instant relative to veterans and re-enlistments in and from the Missouri State Militia, the same having been submitted to the War Department by His Excellency the Governor of Missouri, I am directed by the Secretary of War to communicate the following:

I. You are authorized to collect the veteran volunteers re-enlisted from the regiments of the Missouri State Militia and form them into a regiment, or in case the number re-enlisted is not sufficient to form a regiment, into a battalion.

II. If there are other men in the regiments of Missouri State Militia who desire to re-enlist for unconditional volunteer service, they may do so, and will be received under the following conditions:

1. The number in each regiment will be ascertained, discharged and re-enlisted for three years or during the war.

2. After the detachments from the respective regiments have been re-enlisted they will be collected and formed into one or more regiments depending on the total number, one regiment, however, to be completely organized before an additional one is commenced.

3. The regiments as rapidly as formed will be mustered into service with minimum regimental organization.

4. The men re-enlisting will receive the bounty provided by law, namely, the \$100 authorized by the act of July, 1861 (General Orders, No. 49), the same to be paid under the regulations promulgated in General Orders, No. 163, series of 1863, from this office.

5. The discharges from the militia regiments and the musters into and formation of the new regiments will be under the direction of the commissary of musters for the department and his assistants.

6. The new regiments as herein authorized will be organized and mustered into service in accordance with the requirements of the Mustering Regulations.

I am, general, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, D. C., June 10, 1864.
Major-General HEINTZELMAN,
Columbus, Ohio:

I am directed by the Secretary of War to say that when 100 days' men are mustered into service State authorities have no control over them. You will enforce any orders which have been given you to move such troops, and will arrest any person interfering without authority of the War Department.

H. W. HALLECK,
Major-General, Chief of Staff.

Hon. E. M. STANTON,
Secretary of War:

CINCINNATI, June 11, 1864.

Burbidge appears this morning to be driving Morgan successfully, though he keeps too much in rear to promise capture. There does

not appear to be much danger to Sherman's communications or approach to the river. Infantry is of little account except to guard important points. You must change policy in Kentucky. Rebel sympathizers in the State encourage and aid these raids to injure Union citizens. Those parties should be subjected to prompt assessments to cover damages. Nothing but a vigorous application of Maryland policy will save Kentucky, and the longer that is delayed the more dangerous Kentucky becomes. The gun-boat idea is a good one, but light-draft boats must be used, in view of low summer water. If the Navy Department cannot furnish them I think men can be found here to fit out and organize a fleet. My movements for a few days are uncertain. Communications sent to Columbus will be promptly forwarded to me. Will write you.

JNO. BROUGHL,
Governor.

WASHINGTON, D. C., *June 13, 1864—10.45 a. m.*
Brigadier-General THOMAS,
Louisville, Ky.:

Complaint is made to me that in the vicinity of Henderson our military are seizing negroes and carrying them off without their own consent, and according to no rules whatever except those of absolute violence. I wish you would look into this and inform me, and see that the making soldiers of negroes is done according to the rules you are acting upon, so that unnecessary provocation and irritation be avoided.

A. LINCOLN.

LOUISVILLE, KY., *June 13, 1864.*
His Excellency ABRAHAM LINCOLN,
President of the United States:

Telegram of this date received. I have no doubt there has been ground for complaint in the vicinity of Henderson, Ky., but I will take immediate measures to prevent a recurrence of any acts of violence on the part of officers engaged in recruiting colored troops in Kentucky.

L. THOMAS,
Adjutant-General.

GENERAL ORDERS, {
No. 20. }

LOUISVILLE, KY.,
June 13, 1864.

Recruiting of colored troops will take place in the State of Kentucky as rapidly as possible, and one or more officers will be placed in each county to receive the able-bodied colored men as they present themselves or are delivered by their owners. The unconditional Union men will, it is believed, cheerfully bring forward their slaves to assist in crushing the rebellion; and if others do not, it makes no difference, as all who present themselves for enlistment will be received and enlisted into the service of the United States.

In order that the State may receive credit for the volunteers thus secured, and that the rights of all may be protected, recruiting officers will present their recruits to the provost-marshal or deputy

provost-marshal for enlistment, and the latter officer will furnish the owners of the slaves with the necessary certificate of enlistment.

A camp of reception for recruits will be established in each Congressional district, where they will be organized into companies and regiments, armed, fully equipped, and prepared for service.

The following places are designated for this purpose:

First Congressional District, Paducah; Second Congressional District, Owensboro; Third Congressional District, Bowling Green; Fourth Congressional District, Lebanon; Fifth Congressional District, Louisville; Sixth Congressional District, Covington; Seventh and Eighth Congressional Districts, Camp Nelson; Ninth Congressional district, Louisa.

The superintendent of volunteer recruiting service for the State of Kentucky is instructed to accept and enlist any slave who may present himself for enlistment, provided such a slave is fit for any military service or duty in the engineer, quartermaster's, or commissary departments. Such men will be assigned to any invalid regiment in process of organization at the time of their enlistment. These instructions, however, will not be construed as authorizing the enlistment of free colored men or of slaves physically disqualified who may be presented by their owners for enlistment.

Brig. Gen. A. L. Chetlain, U. S. Volunteers, is charged with the immediate supervision of the organization of colored troops in Kentucky, as authorized herein, subject to such instructions as he may receive from Brig. Gen. L. Thomas, Adjutant-General U. S. Army.

The assignment of Brigadier-General Chetlain to this duty will in no way interfere with his present position as commander of the colored troops in West Tennessee.

General Chetlain will establish his headquarters without delay at Louisville, Ky.

All commanders in Kentucky will afford General Chetlain every facility for carrying out the instructions contained in this order.

As early as possible colored troops will be used by General Chetlain for recruiting purposes, and will be distributed among the different camps of reception.

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

HEADQUARTERS STATE OF MISSOURI,
ADJUTANT-GENERAL'S OFFICE,
St. Louis, June 12, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I am directed by the Governor to inquire if any authorization has been issued from your Department, as yet, permitting the organization of six-months' volunteers in this State, as mentioned in the conversation which he had with you last week; also, whether any order has been made directing the muster into the U. S. service of the two provisional regiments of Enrolled Missouri Militia that have been on duty in Southwest Missouri for eighteen months past.

You will perhaps remember that the question of the muster in of the latter named, for the period of nine or twelve months, was discussed during the personal interview which he had with you, and that you promised to act immediately upon the matter as seemed best for the good of the service.

It is thought that amid the press of other business both of these subjects may have escaped your attention; hence this inquiry.

Very respectfully, your obedient servant,

JOHN B. GRAY,
Adjutant-General of Missouri.

ORDERS No. 21.]

LOUISVILLE, KY., *June 14, 1864.*

The incorporation into the Army of the United States of colored troops renders it necessary that they should be brought as speedily as possible to the highest state of discipline. Accordingly the practice which has hitherto prevailed, no doubt from necessity, of requiring these troops to perform most of the labor on fortifications and the labor and fatigue duties of permanent stations and camps will cease, and they will only be required to take their fair share of fatigue duty with the white troops. This is necessary to prepare them for the higher duties of conflicts with the enemy. Commanders of colored troops in cases where the troops under their commands are required to perform an excess of labor above white troops in the same command will represent the case to the common superior through the regular channels.

By order of the Secretary of War:

I. THOMAS,
Adjutant-General.

WAR DEPARTMENT,
Washington City, June 14, 1864.

Maj. Gen. LEW. WALLACE,
Commanding Middle Department, Baltimore:

The President directs me to inform you that his attention has been called to certain general orders purporting to be issued by you—one, General Orders, No. 30, dated Middle Department, Eighth Army Corps, Baltimore, April 26, 1864, the other General Orders, No. 33, dated Middle Department, Eighth Army Corps, Baltimore, May 1, 1864—and to inform you that in issuing these orders without his instructions you have transcended the power vested in you as a major-general and commander of a department. He instructs me also to say to you that the authority claimed to be exercised by you in these orders is a power vested in him alone, and only to be exercised by a subordinate officer when directed to do so by the President. If any facts or circumstances existing in your department render it, in your judgment, expedient to resort to the measures contemplated by these orders, it is proper for you to make representations thereof through the proper military channels to the President and apply for his instructions, and on such application he will give whatever directions in his judgment may be required by the public interests. In the meantime he directs that you revoke said orders, and that they be absolutely annulled, and that you take no measure and do no act in execution of your general orders above specified. You will acknowledge the receipt of this order.

EDWIN M. STANTON,
Secretary of War.

BALTIMORE, June 14, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

Your telegram received. General Orders, Nos. 30 and 33, this department, are revoked, as you directed.

LEW. WALLACE,
Major-General of Volunteers.

DENVER, COLO., June 14, 1864.

Hon. E. M. STANTON,
Secretary of War:

Indian hostilities on our settlements commenced, as per information given you last fall. One settlement devastated twenty-five miles east of here. Murdered and scalped bodies brought in to-day. Our troops near all gone. Can furnish 100-days' men, if authorized to do so, to fight Indians. Militia cannot be made useful, unless in the U. S. service, to co-operate with troops. Shall I call a regiment of 100-days' men or muster into U. S. service the militia?

JOHN EVANS,
Governor of Colorado Territory.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
 No. 212. } Washington, June 15, 1864.

The following act of Congress is published for the information of all concerned:

PUBLIC—No. 97.

AN ACT relating to members of Congress, heads of departments, and other officers of the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no member of the Senate or House of Representatives shall, after his election and during his continuance in office, nor shall any head of a department, head of a bureau, clerk, or any other officer of the Government, receive, or agree to receive, any compensation whatsoever, directly or indirectly, for any services rendered, or to be rendered, after the passage of this act, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. And any person offending against any provision of this act shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding ten thousand dollars, and by imprisonment for a term not exceeding two years, at the discretion of the court trying the same, and shall be forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Approved June 11, 1864.

By order of the Secretary of War:

R. D. TOWNSEND,
Assistant Adjutant-General.

DEPARTMENT OF STATE,
 Washington, June 15, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: After reflecting upon the suggestions of Lieutenant-General Grant in regard to the use of the spurious currency called by the

insurgents Confederate currency, I have come to the conclusion that no responsible representative of the Government could give circulation to that money, as an equivalent for value received, without compromising the Government of the United States, and laying the foundation for allegations that we anticipate and expect ultimately to recognize the insurgents.

I have the honor to be, sir, your obedient servant,
WILLIAM H. SEWARD.

LOUISVILLE, KY., *June 15, 1864.*

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: Altogether six regiments of colored troops have been raised in Missouri and distributed—one at Memphis, two at Helena, two at Port Hudson, and one at Baton Rouge.

There are eighty-three recruits at Saint Louis toward the formation of the seventh regiment. The number of able-bodied slaves in Missouri is less than 3,000, and General Pile is of opinion that not more than 1,000 can be recruited, as many of them are employed by their owners at fair wages. After the organization of the seventh regiment I shall take the recruits to fill up the regiments from Missouri in the field. I propose to send General Pile into the field, as he will have little further to do, and the senior field officer of the seventh regiment can superintend the service. General Thomas Ewing, jr., is raising a regiment in Missouri at large; has about 200 men. I am decidedly of opinion that but one regiment should be in process of formation at the same time. Either give all the recruits to General Ewing or transfer his men to the seventh regiment.

In Middle and East Tennessee we have the following colored troops: At Nashville there are the Fifteenth and Seventeenth Regiments, fully organized, reporting to the chief quartermaster for labor in his department. Also the One hundredth Regiment, organized from Kentucky recruits, fully; also two companies of the Fortieth Regiment, which will probably be ordered to East Tennessee to fill the regiment there. Also Meigs' Light Battery A, Second U. S. Colored Artillery. Also two companies of an organized regiment in the Tenth U. S. Colored Troops. Upon the line of the Nashville and Northwestern Railroad are the Twelfth and Thirteenth Regiments, fully organized and doing guard duty. Upon the line of railroad from Nashville to Decatur are three regiments and a fraction of a fourth, raised by General Dodge, doing guard duty. At Chattanooga, Tenn., are the Fourteenth and Sixteenth Regiments, fully organized, and doing duty on the fortifications. There are also at Chattanooga four companies of the Forty-fourth Regiment organizing, and three or four companies of the Forty-second Regiment (laboring regiment); organization going on. At Knoxville, Tenn., the First Regiment U. S. Colored Artillery (heavy) is organizing. This regiment has about 1,100 men mustered in. The above regiments, from the Twelfth to the Seventeenth, inclusive, were originally filled to 900 and 1,000, reduced by casualties to about 700 each.

I have just shown the inclosed order of Major-General Sherman, which, in its practical working, I conceive, will stop enlistments from the colored men coming to his army. I consider the threat of imprisonment to recruiting officers especially harsh. Far better to

enlist the negroes, and let them perform their fair share of labor and fatigue duty, than keep them at hard labor—in many instances greater than they were subjected to by their former owners. I have always been satisfied that too many able-bodied men were permitted to follow our regiments. I shall go to Nashville to-morrow morning for a few days.

I have the honor to be, very respectfully, your obedient servant,
L. THOMAS,
Adjutant-General.

[Enclosure.]

SPECIAL FIELD ORDERS, } HDQRS. MIL. DIV. OF THE MISSISSIPPI,
No. 16. } *In Field, near Dallas, June 3, 1864.*

I. Recruiting officers will not enlist as soldiers any negroes who are profitably employed by any of the army departments, and any staff officer having a negro employed in useful labor on account of the Government will refuse to release him from his employment by virtue of a supposed enlistment as a soldier.

II. Commanding officers of the military posts will arrest, and, if need be, imprison any recruiting officer who, to make up companies of negro soldiers, interferes with the necessary gangs of hired negroes in the employment of the quartermaster's or commissary or other department of the Government without the full consent of the officers having them in charge.

By order of Maj. Gen. W. T. Sherman:

L. M. DAYTON,
Aide-de-Camp.

WASHINGTON, D. C., June 16, 1864.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: I find that soldiers buried at the military cemeteries in this District are generally interred without any religious ceremony. On inquiry yesterday of the workmen engaged in digging graves where forty soldiers are interred daily, they informed me that they had seldom seen a chaplain at a funeral. Some of them thought none had been there for three weeks. It is impossible for the chaplains of hospitals to accompany each body to the grave. It is a daily duty, and the chaplains' whole time would be taken up in its performance. The Quartermaster's Department is, I think, unjustly blamed for interring the soldiers without appropriate ceremonies. It has not the appointment or employment of chaplains. Its officers are occupied with their appropriate duties, and cannot be present at the cemetery constantly. The interments are going on all day. If from the chaplains attached to the many hospitals of this District one could be detailed daily to be on duty during the whole day at each of the military cemeteries now in use—one at Arlington, the other at Alexandria—it would give great satisfaction to the friends of our soldiers. The chaplain on duty should remain constantly at the cemetery until relieved by his successor. The interments could be made at certain hours two or three times a day, the bodies being deposited at the side of the graves, which are prepared beforehand, and the service could be thus performed over several bodies at a time. If this cannot be done, the only substitute which occurs to me as possible will be the employment by the Quartermaster's Department of an ordained minister at

a sufficient salary as guardian or custodian of each cemetery, making it a part of the contract with him that he shall live at the cemetery in quarters to be prepared for him, take charge of the whole conduct of interments, and perform appropriate religious services over all persons interred therein. I think that the detail by military authority of a chaplain to this duty daily is the better and more appropriate mode of meeting the difficulty, and I only suggest the employment by the Quartermaster's Department of persons for this purpose as a last resort. Upon this subject I respectfully request your instructions.

I have the honor to be, your obedient servant,

M. C. MEIGS,
Quartermaster-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 17, 1864.

GOVERNOR OF MISSOURI,
Saint Louis, Mo.:

SIR: In reply to that portion of your letter of the 13th instant asking if authority has been given to raise six-months' troops in Missouri, I am directed to inform you that such authority has not been given. In reference to the regiments of enrolled militia, attention is invited to a letter from this office, of the 10th instant, to Major-General Rosecrans (a copy of which was sent Your Excellency*), which contains the orders and decision of the Secretary of War.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
June 18, 1864.

GOVERNOR OF PENNSYLVANIA,
Harrisburg, Pa.:

SIR: I am directed by the Secretary of War to inform you, in answer to a letter from you of this date by Colonel Jordan, military agent, that the Department will accept from the State of Pennsylvania two regiments of infantry under the following conditions:

First. The regiments to be filled and ready for muster into the U. S. service within fifteen days from the 20th instant.

Second. The term of service to be 100 days, reckoning from the date of muster into service of the United States, unless sooner discharged.

Third. The troops to be mustered into the service of the United States by regiments when the regiments are filled up, according to regulations, to the minimum strength, the regiments to be organized according to the regulations of the War Department.

Fourth. The troops to be clothed, armed, equipped, subsisted, transported, and paid as other U. S. infantry volunteers, and to serve in fortifications or wherever their services may be required within or without their respective States.

Fifth. No bounty to be paid the troops, nor the service charged or credited to any draft.

*See p. 428.

Sixth. The draft for three-years' service to go on in the State or district where the quota is not filled up; but if any soldier or officer in this special service should be drafted, he shall be credited for the service rendered.

I am, sir, &c.,

JAS. B. FRY,
Provost-Marshal-General.

NASHVILLE, TENN., June 19, 1864.

MAJ. GEN. W. T. SHERMAN,
Big Shanty, via Chattanooga:

On recently leaving Washington to organize colored troops in Kentucky the Secretary of War directed me to proceed to Chattanooga and put myself in communication with you, and to express his strong desire that you would afford facilities for organization within your command. I request that you will send the negroes who may come into or be gathered in by your forces to this place, where they can the more readily be organized and provided for. If you desire to form regiments with your army do so, and send me the roster of the officers for appointment. I have seen your recent order respecting the enlistment of negroes, the practical working of which, it seems to me, will stop almost altogether recruiting with your army. I know not under what circumstances it was issued, but the imprisonment of officers for disobedience seems to me a harsh measure.

Would it not be better to organize the negroes and from them make the necessary detail for the staff departments?

Of course I do not wish to deprive you of any negroes you may require for service with your army. I have sent a copy of the order to the Secretary of War.

I shall leave this evening for Chattanooga, where I shall be glad to hear from you.

L. THOMAS,
Adjutant-General.

FRANKFORT, June 20, 1864.

HON. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: Colonel Hodges, who was intrusted with a letter from myself to you, written as he was about starting to the Baltimore convention, informs me that you construe its import to menace the Government, &c. Not being able to construe any such meaning from the letter, and never having conceived a thought hostile to my Government—being incapable of holding a thought or sentiment which can be tortured into hostility to the Government—I deem it due to myself to be so explicit in reference to the subject of that letter that the commonest understanding cannot misconstrue my purpose. When at Washington in March I, together with the gentlemen with me, in our interview with the President and yourself, understood that when the quota of Kentucky should be filled by volunteers or otherwise that recruiting of slaves would cease in the State. We also understood that the offensive recruiting carried on by Cunningham and others was without authority or approval from the War Department, and to prevent such offensive courses, and confine the recruiting of negroes within

the purview of the law, Brigadier-General Burbridge was appointed supervisor of enlistments and draft in Kentucky, with powers to see that none but the regularly appointed officers in the modes prescribed by law should enlist or draft slaves, and to remove all occasion for excitement or offense the slaves enlisted or drafted were to be removed for organization without the State. Being satisfied that this would be faithfully carried into effect and would secure quiet to the disturbed, and in many instances justly aggrieved, sentiments of those outraged by the offensive course of Cunningham and others, we returned home gratified at the result of our visit. Recently, as my letter advised you, Cunningham began his career of more offensive acts than heretofore, and with more show of authority, having Government gun-boats and transports under his command, thereby indicating to the country the authority and sanction of the governmental authorities at Washington.

Believing, as I sincerely did, that he was acting upon his own responsibility, without the authority or sanction of the War Department, I forwarded to General Burbridge's headquarters documents setting forth his acts, and indorsing request that he would take proper steps to arrest the course pursued by Cunningham. The documents were returned the day before I wrote to you, with indorsement that the counties below the Tennessee River were not within General Burbridge's jurisdiction.

Knowing that Cunningham was a Federal officer and subject to your orders, and believing that his offensive course was not only unauthorized, but disapproved by you, and desiring that he should be stayed in his proceedings, as an act of justice to the much-suffering people in the region of his depredations, and that the Federal authorities might have the benefit of restraining him and thereby give confidence in the justice and protective purposes of the Administration, I wrote you the letter.

Although Cunningham's conduct is violative of the laws of Kentucky, and I am authorized by law to have him arrested for unlawful recruiting and confined at such place as I might designate until he can be safely tried by the civil authorities where his offenses have been committed, yet (not doubting the justice) I hesitated as to the propriety of the arrest and confinement. I feared that he, being an officer of the Government and apparently acting under authority, although satisfied that he was acting without authority and in violation of law, and arrest by me might be misconstrued by those not conversant with the facts as an act of hostility to the governmental authorities, and might give encouragement to rebels and their sympathizers, I therefore have farborne to act.

I believed that good would result by your staying his course by order from War Department. The evil would be removed and confidence in the just purposes of the Administration toward that people would be established. That his course should be arrested by either Federal or State authority I felt was due to that people. If Cunningham is acting by authority from the War Department, say so to me, and that will relieve me from all responsibility to interfere, and leave the entire responsibility upon the authorities authorizing his acts. My rule of action is not to obstruct or resist where competent authority is vested, no matter how rigidly my judgment may condemn the policy or justice of the course authorized. I follow this rule because I believe that pending the rebellion it is the duty of patriotism while struggling to maintain the life of our Government to

endure an evil and forego a wrong rather than by seeking redress to thereby inflict a greater evil and more enduring wrong by aiding the rebellion. By submitting to the infliction I do not sanction but endure the wrong as resulting from rebellion and want of wisdom in the measures for its suppression. My hope was that by your action in removing this cause of offense great good would result to the Union sentiment of that section of the State; that confidence in the just purposes of those administering the Government would be given, and the grave consequences of outbreaks and resistance, perhaps to bloodshed, in that section would be prevented. Such were my hopes and purposes.

Respectfully,

THOS. E. BRAMLETTE.

SPECIAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 215. } Washington, June 21, 1864.

24. Brig. Gen. A. S. Webb, U. S. Volunteers, is hereby detailed for temporary special recruiting service in connection with the Second Army Corps, and will report by letter to Brigadier-General Fry, Provost-Marshal-General, for instructions.

By order of Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 23. } Washington, D. C., June 21, 1864.

I. To prevent misapprehension it is announced that the joint resolution of Congress approved June 3, 1864, and promulgated in Circular 21, current series, from this office, does not act to prevent the enlistment of substitutes in the Navy or Marine Corps for men drafted under the enrollment act.

Neither does it forbid the crediting of men enlisted in the Navy or Marine Corps, as provided for under sections 7, 8, and 9 of the act approved February 24, 1864, amendatory of the enrollment act.

Men enlisting in the Navy or Marine Corps as substitutes for drafted men must enlist as such for three years. Exemption will not be granted to the principals until they bring to the Board of Enrollment certificates from the authorized naval or marine recruiting officers of the fact that the substitutes have been actually accepted and received into the Navy or Marine Corps for three years.

II. Circular No. 19, dated May 26, 1864, was issued to accommodate persons actually absent from their residences and who, being themselves liable to military duty, might desire to furnish substitutes without being put to the inconvenience of returning to their States or homes in order to do so. It is not to be construed or used as authorizing recruiting for the Army, Navy, or Marine Corps in one State for the credit of another, through brokers or otherwise, nor for any other purpose than the one as herein explained.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., June 21, 1864.

Maj. Gen. JOHN A. DIX,

Comd'g. Dept. of the East, New York City, N. Y.:

GENERAL: I am directed by the Secretary of War to inclose to you a copy of a report made by the Provost-Marshal-General in respect to the order issued by the provost-marshal of the State of Connecticut May 2, 1864, agreeably to your instructions in regard to the payment of recruiting bounty, a copy of which order is hereto annexed. The report of the Provost-Marshal-General has been approved by the Secretary of War, and in pursuance of his recommendation you are requested to countermand any orders or instructions issued by you in conflict with the report of the Provost-Marshal-General.

In making this order the Secretary of War directs me to say that the Department does not wish to deprive you of any efficient means for detecting and punishing frauds that may be practiced upon recruits in your department, but, on the contrary, acknowledges the benefit that your vigilance and energy in this behalf have already rendered to the service, and desires you to continue to give the subject your earnest attention. The regulation of the provost-marshal, however, is regarded by the Governor of Connecticut as being in hostility to the statutory provisions of that State, and as impairing, if not altogether hindering, his power to aid the Government to recruit in his State. No one can better understand than yourself the importance of the Federal and State authorities harmonizing in regard to the machinery to be employed in the important business of recruiting, and it is with a view of removing what appears to have become a serious complaint on the part of Governor Buckingham that the Secretary deems it advisable that the regulation prescribed by your instructions should be relaxed upon the assurance of the Provost-Marshal-General's report that the order is not essential for protecting recruits against imposition.

I am, general, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

(Inclosures.)

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., June 20, 1864.

Hon. E. M. STANTON,

Secretary of War:

SIR: In accordance with your order I have examined the inclosed correspondence between His Excellency Governor Buckingham, of Connecticut, and Major-General Dix, commanding Department of the East, and respectfully report on the same as follows:

First. The order issued by General Dix which caused this correspondence is decidedly prejudicial to the interests of the recruiting service. General Dix's desire evidently is to prevent frauds and secure to recruits all the bounty provided for them. In this Governor Buckingham does not differ with him, nor does any other honest officer. It is, however, a well-established fact that no material success will at this time attend volunteer recruiting without the intervention of recruiting agents. General Dix's order in this case puts them off, and though it prevents frauds, it stops recruiting—it cures the disease by killing the patient.

Second. The order was issued without the knowledge of this Bureau, and, so far as I know, without the authority of the War Department; in fact, it is a violation of the rules of the War Department for the commander of a military department to issue orders affecting the recruiting service. General Dix, therefore, had no power to issue such an order.

Third. In my opinion the order of General Dix is in conflict with the laws of the State of Connecticut. By administering the law without the order we procure many recruits there whom we would not otherwise get. Some of them may be swindled, it is true, but if the order is enforced we will not get the men, which is the point to be looked to.

Fourth. I recommend that General Dix be informed that, on consideration of the whole subject, his order is considered prejudicial to the interests of the recruiting service, and that he be desired to revoke it.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

[Sub-Inclosure No. 1.]

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
New Haven, June 17, 1864.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: I have the honor to represent that in order to comply promptly with the requisition which the President of the United States has made upon the State of Connecticut for troops for the service of the General Government, the General Assembly has provided by law for the payment of a bounty to volunteers in the following words:

There shall be paid the sum of three hundred dollars from the treasury of the State by the paymaster-general to the order of each non-commissioned officer, artificer, or private who shall enlist and be mustered into the service of the United States.

That on the 2d day of May last Maj. Gen. John A. Dix, commanding the Military Department of the East, issued an order to the provost-marshals in the several Congressional districts as follows:

Provost-marshals are directed not to allow any part of the bounty money due to a recruit to be paid to a broker or otherwise diverted from the hands of the recruit himself by any assignment, either verbal or written, such assignment being considered fraudulent, as given without consideration. Provost-marshals will in all cases determine that the recruit himself is the only person entitled to receive the bounty money.

That the order above recited is in conflict with the laws of Connecticut, constitutionally enacted, obstructs their execution, and interferes with the plans, purposes, and efforts of the State to obey the requisitions made by the President for troops.

That in a correspondence between this department and Major-General Dix, copies of which are herewith presented, he has been respectfully requested to revoke or modify such order so that it shall not interfere with the execution of the laws of the State. And instead of complying with the request the aforesaid Major-General Dix, as will be seen by the correspondence referred to, takes the position that he is justified in putting his construction upon the law aforesaid and in determining the intention of the General Assembly in passing the same, which construction and intention he declares to

be wholly at variance with the language of the statute, and virtually claims the right to determine the manner in which and by whom the laws of this State shall be executed; all of which is an assumption of authority which rightfully belongs to the Executive and other State officials.

I would further represent that the laws of Connecticut direct the payment of such bounty "when the volunteer shall have been mustered into the service of the United States," and up to the time of issuing the order by Major-General Dix, above referred to, the State and national authorities have acted in perfect harmony in efforts to fill the armies of the United States; that the officers of the United States Government connected with the acting assistant provost-marshal-general's office, and in the several Congressional districts, have rendered the officers of the State all needed facilities, and made all proper certificates of the muster of men into the service of the United States, by reason of which the State bounties have been paid with promptness and volunteering encouraged; but in consequence of the order above referred to certificates are now, as I am informed, withheld, the payment of bounties indefinitely postponed, and volunteering discouraged and checked; also, that while the call for troops made by the President was based upon the necessity of enforcing the laws of the United States enacted for the preservation of civil liberty, the order aforesaid sustained by such high authority places the General Government unnecessarily in a position of hostility to State authorities, obstructs the execution of State laws relating to a subject over which the General Government has no jurisdiction, and is as hostile to the rights and as dangerous to the liberties of the people as the rebellion now raging against the Government of the United States. It cannot be justified until the State shall first be placed under martial law.

I would, therefore, request of you a revocation of the order to which reference has been made, so that the laws of Connecticut, which are in harmony with the sovereignty of the General Government, may be executed by her own officers, and that the provost-marshals of the several Congressional districts be directed to furnish, as formerly, certificates of muster at the time when men are mustered into the service of the United States, so that the State of Connecticut can pay the bounties to volunteers in accordance with the provision of her own laws.

I am, with high consideration, your obedient servant,
WM. A. BUCKINGHAM,
Governor of Connecticut.

[Sub-Inclosure No. 24]

State of Connecticut, Executive Department. Copies of Correspondence, &c., New Haven, June 17, 1864.

A.

CIRCULAR.] ACTG. ASST. PROV. MAR. GENERAL'S OFFICE,
Hartford, Conn., May 2, 1864.

Agreeably to instructions received from the major-general commanding the department, provost-marshals are directed not to allow any part of the bounty money due to a recruit to be paid to a broker, or otherwise diverted from the hands of the recruit himself, by any

assignment, either verbal or written, such assignment being considered fraudulent, as given without consideration.

Provost-marshals will in all cases determine that the recruit himself is the only person entitled to receive the bounty money.

D. D. PERKINS,

Major, Aide-de-Camp, and Actg. Asst. Prov. Mar. Gen.

Capt. R. M. CLARKE,

Provost-Marshal Second District, New Haven.

B.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
New Haven, May 19, 1864.

Maj. Gen. JOHN A. DIX, U. S. Army,

Commanding Department of the East, New York:

GENERAL: I have the honor to state that in January last the General Assembly of Connecticut passed an act for the payment of a bounty to volunteers, which provides that—

There shall be paid the sum of three hundred dollars from the treasury of this State by the paymaster-general to the order of each non-commissioned officer, musician, artificer, or private who shall enlist and be mustered into the service of the United States.

Also, that I have before me a copy of an order issued by Maj. D. D. Perkins, acting assistant provost-marshal-general, to the provost marshals of the several Congressional districts in this State, by which they are—

Directed not to allow any part of the bounty money due to a recruit to be paid to a broker or otherwise diverted from the hands of the recruit himself by any assignment, either verbal or written, such assignment being considered fraudulent, as given without consideration. Provost-marshals will in all cases determine that the recruit himself is the only person entitled to receive the bounty money.

I would call your attention to the fact that the order as above quoted, which, I am informed, was issued under your authority, is in direct conflict with the statute of Connecticut, and therefore I respectfully request you to revoke or modify the same, so that it shall not apply to the payment of bounties authorized by the Legislature of this State.

I am, with high regard, your obedient servant,

WM. A. BUCKINGHAM,
Governor of Connecticut.

C.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
New Haven, May 30, 1864.

Maj. Gen. JOHN A. DIX, U. S. Army,

Commanding Department of the East, New York:

GENERAL: I have the honor to request your early reply and decision upon the application for a revocation or modification of your order to the provost-marshals of Connecticut, made by this department and addressed to you on the 19th instant.

With high regard, I am your obedient servant,

WM. A. BUCKINGHAM,
Governor of Connecticut.

D.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, June 10, 1864.

His Excellency WILLIAM A. BUCKINGHAM,
Governor of Connecticut:

SIR: I have had the honor to receive your letters of the 19th and 31st [30th] ultimo.

I do not perceive that my order to the provost-marshal in regard to bounties conflicts with the legislation of your State. It was clearly the intention of the Legislature that the bounty of \$300 should be paid to the recruit.

The requirement making it payable "to the order" of the recruit certainly could not have been intended to divert any portion of it to the payment of parties engaged in procuring persons to enlist. When the most scandalous combinations are made to defraud recruits of their bounties for the benefit of persons who are practicing all sorts of deception to carry out their schemes of depredation, I have felt it my duty to give such instructions to the recruiting officers as to secure to the former the bounties intended for them.

It is only through these instructions that the intention of the law can be carried into execution.

I am sure Your Excellency will, on reflection, see that the course I have taken is proper, and that I shall have Your Excellency's concurrence in the effort I am making to protect recruits from depredation and frustrate the schemes of swindlers.

The order under which Major Perkins is acting was issued by me to put a stop to frauds on recruits in this State, but the order was necessarily co-extensive in its application with the department.

I am, very respectfully, your obedient servant,

JOHN A. DIX,
Major-General.

E.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
New Haven, June 16, 1864.

Maj. Gen. JOHN A. DIX,
Commanding Department of the East:

GENERAL: I have the honor to acknowledge the receipt last evening of your favor of the 10th instant, in reply to my request for a revocation or modification of your order in relation to the payment of bounties, in which you say:

* * * * *

I do not perceive that my order to the provost-marshal in regard to bounties conflicts with the legislation of your State. It was clearly the intention of the Legislature that the bounty of \$300 should be paid to the recruit. * * *

And further, that—

It is only through these instructions that the intention of the law can be carried into execution.

In reply, I would state that the intention of the General Assembly which passed the act providing for the payment of State bounty was to give the volunteer an opportunity to send his entire bounty, without risk of robbery, to his wife, or mother, or creditor, or to whomsoever he pleased, and your order not only conflicts with this intention, but with the very language of the statute, and is a serious obstacle in the way of its execution.

You also say that you are sure that on reflection I will see that the course which you have taken is proper, and that you will have my concurrence in the efforts you are making to protect recruits from depredation and frustrate the schemes of swindlers. To which I would reply that the object you have in view I cordially approve, to accomplish which I have made unceasing and not unsuccessful efforts ever since the bounty was offered; but you surely cannot expect my concurrence in measures which set aside and wholly disregard the provisions of the statute of Connecticut, or that this department can approve of efforts on your part which interfere with the execution of our laws, or take any other view of your order than that it is an assumption of the executive power of Connecticut before the State has been placed under martial law.

I am, respectfully yours,

WM. A. BUCKINGHAM,
Governor of Connecticut.

F.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, June 15, 1864.

His Excellency WILLIAM A. BUCKINGHAM,
Governor of Connecticut.

SIR: I regret that my omission to answer your first letter should have been misapprehended. It was due entirely to the pressure of official engagements.

I wrote you on the 10th, and fear my letter was misdirected. It was, I think, addressed to you at Hartford.

I will attend to the case of Colonel Pardee at once.

I have the honor to be, very respectfully, your obedient servant,
JOHN A. DIX,
Major-General.

G.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
New Haven, June 13, 1864.

Maj. Gen. JOHN A. DIX, U. S. Army,
Commanding Department of the East, New York:

GENERAL: I am informed by Lieut. Col. B. S. Pardee, superintendent of recruiting colored troops in Connecticut, that by your order a demand has been made upon him for money claimed to have been wrongfully taken from bounties paid to volunteers.

While I know not your purposes in reference to the subject, yet a demand made by such high authority appears to carry with it the intention of following a refusal to reply to comply with the arrest of that officer and of his trial by a military court.

Permit me to say that my knowledge of Colonel Pardee and of the manner in which the recruiting service has been conducted is such as to give me confidence that no such charge against him can be sustained; and if it can be, I would respectfully submit that it is a crime against the State of Connecticut, respecting which State authorities alone can take cognizance, unless it can be proved that he has obstructed the execution of the laws of the General Government. Also that such an arrest would have no tendency to prevent the practice of frauds upon volunteers or to aid the Government in suppressing the rebellion.

I therefore trust that it will not be made, or if it has been that Colonel Pardee will be at once discharged.

I do not intend to burden you with correspondence from this department, and trust that your protracted silence in reference to other communications need not be understood as indicating that its continuance now is not desired.

Very respectfully, yours,

WM. A. BUCKINGHAM,
Governor of Connecticut.

STATE OF CONNECTICUT, EXECUTIVE DEPARTMENT,
New Haven, June 17, 1864.

I hereby certify that the above document, marked A, is a true copy of a circular transmitted to this department by Capt. and Prov. Mar. R. M. Clarke; also that the letters marked B, C, E, and G are true copies of letters on record in this department, and that the letters marked D and F are true copies of original letters on file in this department.

JOHN C. DAY,
Executive Secretary.

GENERAL ORDERS, }
No. 215. }

WAR DEPT., ADJT. GEN.'S OFFICE,
Washington, June 22, 1864.

The following act of Congress is published for the information of all concerned:

POMAC—No. 101.

AN ACT making appropriations for the support of the Army for the year ending the thirtieth June, eighteen hundred and sixty-five, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty-five:

For expenses of recruiting, transportation of recruits, and compensation to citizen surgeons for medical attendance, three hundred thousand dollars.

For purchase of books of tactics and instructions for volunteers, fifty thousand dollars.

For contingent expenses of the adjutant-general's department at the headquarters of the several military departments, five thousand dollars.

For copying official reports of the armies of the United States for publication, five thousand dollars.

For bounties and premiums for the enlistment [enlistment] of recruits for the Regular Army, three hundred and fifty thousand dollars.

For the pay of advance bounties to volunteers and drafted men, five million dollars.

For pay of premiums, rent of buildings and grounds, transportation, subsistence, lodging, commutation of fuel and quarters, straw, postage, stationery, advertising, medicines, and medical attendance, and all other necessary expenses incidental to the collecting, drilling, and organizing volunteers, and for the necessary expenses under the enrollment act, five million dollars.

For pay of the Army, nine million nine hundred and seventy-one thousand two hundred and forty-three dollars and sixty cents.

For commutation of officers' subsistence, one million seven hundred and twenty-three thousand six hundred and twenty-nine dollars and fifty cents.

For commutation of forage for officers' horses, one hundred and four thousand six hundred dollars.

For payments in lieu of clothing for officers' servants, eighty-two thousand eight hundred and twenty dollars.

For payments to discharged soldiers for clothing not drawn, one hundred and fifty thousand dollars.

For pay of volunteers, including the bounties authorized by law, one hundred and seventy-seven million four hundred and sixty-two thousand seven hundred and twenty-eight dollars and twenty-five cents: *Provided*, That if any officer in the regular or volunteer forces shall employ a soldier as a servant, such officer shall not be entitled to any pay or allowances for a servant or servants, but shall be subject to the deduction from his pay required by the third section of the act entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," approved July seventeen, eighteen hundred and sixty-two: *And provided further*, That the second section of the act entitled "An act giving further compensation to the captains and subalterns of the Army of the United States in certain cases," allowing ten dollars additional per month to any officer in actual command of a company, as compensation for his duties and responsibilities with respect to the clothing, arms, and accoutrements of the company, shall be construed to apply only to company officers in actual command as aforesaid.

For subsistence in kind for regulars, volunteers, and drafted men, ninety-one million four hundred and twenty-five thousand four hundred and twenty-six dollars and thirty cents.

For the regular supplies of the Quartermaster's Department, consisting of fuel for the officers, enlisted men, guard, hospitals, store-houses, and offices; of forage in kind for the horses, mules, and oxen for the Quartermaster's Department, at the several posts and stations, and with the armies in the field; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments; and for the printing of division and department orders and reports, sixty million dollars.

For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packages received and sent by officers of the Army on public service; expenses of courts-martial, military commissions, and courts of inquiry, including the additional compensation of judge-advocates, recorders, members, and witnesses, while on that service; under the act of March sixteenth, eighteen hundred and two, extra pay to soldiers employed, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, store-houses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August fourth (fourth), eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expressmen to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the internment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, or at other posts and places when ordered by the Secretary of War, and of non-committed officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon-masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry as may be mounted, viz: the purchase of traveling forges, blacksmiths' and shoeing tools, horses and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named; also, generally, the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other department, thirteen million dollars.

For the purchase of cavalry and artillery horses, twenty-one million dollars.

For mileage, or the allowances made to officers of the Army for the transportation of themselves and their baggage, when traveling on duty without troops, escorts, or supplies, seven hundred thousand dollars.

For transportation of the Army, including the baggage of the troops when moving, either by land or water; of clothing, camp and garrison equipage, from the depots at Philadelphia, Cincinnati, and New York, to the several posts and army depots, and from those depots to the troops in the field; and of subsistence stores from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of

ordnance, ordnance stores, and small-arms, from foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tools, and ferrriages; for the purchase and hire of horses, mules, oxen, and harness, and the purchase and repair of wagons, carts, and drays, and of ships, and other sailing vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as, from their situation, require it to be brought from a distance; and for clearing roads, and removing obstructions from roads, harbors, and rivers, to the extent which may be required for the actual operations of the troops in the field, forty million dollars.

For hire or commutation of quarters for officers on military duty; hire of quarters for troops; of store-houses for the safe-keeping of military stores; of grounds for summer cantonments; for the construction of temporary huts, hospitals, and stables, and for repairing public buildings at established posts, five million dollars.

For heating and cooking stoves, one hundred thousand dollars.

For constructing and extending the telegraph, for military purposes, and for expenses in operating the same, two hundred and seventy-five thousand dollars.

For supplies, transportation, and care of prisoners of war, nine hundred thousand dollars.

For purchasing, constructing, and maintenance of steam runs, two hundred and seventy-five thousand dollars.

For clothing for the army, camp and garrison equipage, and for expenses of offices and arsenals, fifty-eight million dollars.

For contingencies of the Army, four hundred thousand dollars.

For medicines, instruments, and dressings, two million seven hundred and fifteen thousand dollars.

For hospital stores, bedding, and so forth, three million five hundred and eighty-seven thousand eight hundred and fifty-two dollars.

For hospital furniture and field equipments, six hundred and eighteen thousand dollars.

For books, stationery, and printing, one hundred and twenty thousand dollars.

For ice, fruits, and other comforts, three hundred thousand dollars.

For hospital clothing, seven hundred and fifty thousand dollars.

For citizen nurses, two hundred and ten thousand dollars.

For care of sick soldiers in private hospitals, thirty-one thousand two hundred dollars.

For artificial limbs for soldiers and seamen, forty-five thousand dollars.

For citizen physicians, and medicines furnished by them, four hundred and fifty thousand dollars.

For hire of clerks and laborers in purveying depots, seventy-five thousand dollars.

For examining and recording meteorological observations taken at the military posts of the United States Army, seven hundred and fifty dollars.

For Army Medical Museum, five thousand dollars.

For contingent expenses of the Medical Department, forty-seven thousand eight hundred and thirty-eight dollars.

For laboratory for testing and rearranging medicines and hospital supplies, five thousand dollars.

For washing and washing machines for hospitals where matrons cannot be employed, fifteen thousand dollars.

For expenses of the Commanding General's Office, ten thousand dollars.

For the secret service, one hundred thousand dollars.

For armament of fortifications, two million dollars.

For the current expenses of the ordnance service, five hundred thousand dollars.

For ordnance, ordnance stores, and supplies, including the purchase and manufacture of arms, accouterments, and horse equipments, for volunteers and regulars, twenty million dollars.

For the manufacture of arms at the National Armory, two million five hundred thousand dollars.

For repairs, improvements, and new machinery at the National Armory, one hundred thousand dollars.

For the purchase of gunpowder and lead, two million dollars.

For repairs and improvements at arsenals, including new and additions to present buildings, and machinery, tools, and fixtures, two million dollars.

For the Signal Service of the Army, one hundred thousand dollars.

For compensation of two clerks in the Signal Office, two thousand eight hundred dollars.

SEC. 2. *And be it further enacted*, That all persons of color who have been or may be mustered into the military service of the United States shall receive the same uniform, clothing, arms, equipments, camp equipage, rations, medical and hospital attendance, pay and emoluments, other than bounty, as other soldiers of the regular or volunteer forces of the United States of like arm of the service, from and after the first day of January, eighteen hundred and sixty-four; and that every person of color who shall hereafter be mustered into the service shall receive such sums in bounty as the President shall order in the different States and parts of the United States, not exceeding one hundred dollars.

SEC. 3. *And be it further enacted*, That all persons enlisted and mustered into service as volunteers under the call, dated October seventeen, eighteen hundred and sixty-three, for three hundred thousand volunteers, who were at the time of enlistment actually enrolled and subject to draft in the State in which they volunteered, shall receive from the United States the same amount of bounty without regard to color.

SEC. 4. *And be it further enacted*, That all persons of color who were free on the nineteenth day of April, eighteen hundred and sixty-one, and who have been enlisted and mustered into the military service of the United States, shall, from the time of their enlistment, be entitled to receive the pay, bounty, and clothing allowed to such persons by the laws existing at the time of their enlistment. And the Attorney-General of the United States is hereby authorized to determine any question of law arising under this provision. And if the Attorney-General aforesaid shall determine that any of such enlisted persons are entitled to receive any pay, bounty, or clothing, in addition to what they have already received, the Secretary of War shall make all necessary regulations to enable the Pay Department to make payment in accordance with such determination.

SEC. 5. *And be it further enacted*, That all enlistments hereafter made in the Regular Army of the United States, during the continuance of the present rebellion, may be for the term of three years.

Approved June 15, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 216. } Washington, June 22, 1864.

The following act of Congress is published for the information of all concerned:

PUBLIC—No. 122.

AN ACT to increase the pay of soldiers in the United States Army, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That on and after the first day of May, eighteen hundred and sixty-four, and during the continuance of the present rebellion, the pay per month of non-commissioned officers and privates in the military service of the United States shall be as follows, viz: Sergeant-majors, twenty-six dollars; quartermaster and commissary-sergeants of cavalry, artillery, and infantry, twenty-two dollars; first sergeants of cavalry, artillery, and infantry, twenty-four dollars; sergeants of cavalry, artillery, and infantry, twenty dollars; sergeants of ordnance, sappers and miners, and pontoniers, thirty-four dollars; corporals of ordnance, sappers and miners, and pontoniers, twenty dollars; privates of engineers and ordnance, of the first class, eighteen dollars, and of the second class, sixteen dollars; corporals of cavalry, artillery, and infantry, eighteen dollars; chief buglers of cavalry, twenty-three dollars; buglers, sixteen dollars; farriers and blacksmiths of cavalry, and artificers of artillery, eighteen dollars; privates of cavalry, artillery, and infantry, sixteen dollars; principal musicians of artillery and infantry, twenty-two dollars; leaders of brigade and regimental bands, seventy-five dollars; musicians, sixteen dollars; hospital stewards of the first class, thirty-three dollars; hospital stewards of the second class, twenty-five dollars; hospital stewards of the third class, twenty-three dollars.

SEC. 2. *And be it further enacted*, That the army ration shall hereafter be the same as provided by law and regulations on the first day of July, eighteen hundred and sixty-one: *Provided*, That the ration of pepper prescribed in the eleventh section of the "Act to promote the efficiency of the Corps of Engineers, and of the Ordnance Department, and for other purposes," approved March three, eighteen hundred and sixty-three, shall continue to be furnished as heretofore. But nothing contained in this act shall be construed to alter the commutation value of rations as regulated by existing laws.

SEC. 3. *And be it further enacted*, That all non-commissioned officers and privates in the Regular Army, serving under enlistments made prior to July twenty-second, eighteen hundred and sixty-one, shall have the privilege of re-enlisting, for the term of three years, in their respective organizations, until the first day of August next, and all such non-commissioned officers and privates so re-enlisting shall be entitled to the bounties mentioned in the joint resolution of Congress approved January thirteen, eighteen hundred and sixty-four.

SEC. 4. *And be it further enacted*, That there be added to the battalion of engineers one sergeant-major, who shall be paid thirty-six dollars per month, and one quartermaster-sergeant, who shall also be commissary-sergeant, who shall be paid twenty-two dollars per month.

SEC. 5. *And be it further enacted*, That there shall be attached to, and made a part of, the War Department, during the continuance of the present rebellion, a bureau to be known as the Bureau of Military Justice, to which shall be returned for revision the records and proceedings of all the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and in which a record shall be kept of all proceedings had thereupon.

SEC. 6. *And be it further enacted*, That the President shall appoint, by and with the advice and consent of the Senate, as the head of said Bureau, a Judge-Advocate-General, with the rank, pay, and allowances of a brigadier-general, and an assistant judge-advocate-general, with the rank, pay, and allowances of a colonel of cavalry. And the said Judge-Advocate-General and his assistant shall receive, revise, and have recorded the proceedings of the courts-martial, courts of inquiry, and military commissions of the armies of the United States, and perform such other duties as have heretofore been performed by the Judge-Advocate-General of the armies of the United States.

SEC. 7. *And be it further enacted*, That the Secretary of War shall have power to appoint for said Bureau one fourth-class, one third-class, one second-class, and two first-class clerks.

SEC. 8. *And be it further enacted*, That in all cases where the Government shall furnish transportation and subsistence to discharged officers and soldiers from the place of their discharge to the place of their enrollment or original muster into the service, they shall not be entitled to travel, pay, or commutation of subsistence.

SEC. 9. *And be it further enacted*, That so much of the fifth section of the act entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting the public property," approved July twenty-second, one thousand eight hundred and sixty-one, as provides that each company officer, non-commissioned officer, private, musician, and artificer of cavalry, shall furnish his own horse and horse equipments, and shall receive forty cents per day for their use and risk, is hereby repealed, except only so far as the same may hereafter be made to apply and relate to mounted troops called into the service of the United States for a term not exceeding six months.

SEC. 10. *And be it further enacted*, That, from and after the passage of this act, the pay of clerks of paymasters in the Army of the United States shall be twelve hundred dollars per annum, without rations.

SEC. 11. *And be it further enacted*, That the thirty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved March third, one thousand eight hundred and sixty-three, be, and the same is hereby, so amended as that an officer may have, when allowed by order of his proper commander, leave of absence for other cause than sickness or wounds, without deduction from his pay or allowances: *Provided*, That the aggregate of such absence shall not exceed thirty days in any one year.

SEC. 12. *And be it further enacted*, That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved June 20, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., June 23, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: In the report of a debate in the Senate on the 8th instant Senator Wilson is reported as saying that "since the 17th day of October we have put 700,000 men into the field." On the 9th that "we have called since the 17th day of October last for 700,000 men," &c.

These statements appear to have been made with a view to showing that large calls have been made for volunteers and filled by volunteering in a very short period of time, viz, "since the 17th of October last," and thus to influence legislation in the matter of raising troops. As the statements without explanation may mislead some, I remark upon them as follows:

Previous to October 17, 1863, no call for troops had been made since July, 1862. The calls referred to by Senator Wilson, as their terms will show, were not for 700,000 men, to be furnished after "October 17," but included the ratification of accounts back to the calls of July, 1862.

I presume Senator Wilson based his assertions on tabular statements exhibiting the condition of the recruiting service, which are on file in my office. If so, he has perhaps not fully understood them. The statement that "since the 17th of October we have put 700,000 men in the field" is not sustained by the records of my office. The fact is that since the 17th of October, 1863, about 300,000 white men have been mustered into the U. S. service. The number put in the field is somewhat less than this, on account of desertions, unavoidable discharges, &c., before getting into the field.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
LETTER. } Washington, June 23, 1864.

SIR: I am directed to invite your attention to the requirements of Circular No. 40, current series, from this office, relative to the "dates of muster out, payment, and arrival in the State" of regiments discharged the service by expiration of term.

The report should be rendered by letter; the required information—including number mustered out and discharged—to be given therein as indicated in the following:

— Regiment ——— Volunteers.
Arrived in the State ———.
Mustered out ———.
Paid ———.
Strength or number mustered out ———.

Please forward the report to my address; and in the first one, after the receipt of this, embrace all organizations mustered out, under your direction, since May 1, current year.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

(Sent to all chief mustering officers.)

LEXINGTON, KY., *June 23, 1864.*

(Received 3.50 p. m.)

Hon. E. M. STANTON,
Secretary of War:

I can have five regiments of colored troops ready for service in a very short time if officers are furnished. Would like to have Lieut. Col. J. F. Wade and Lieut. Henry P. Wade to report to me. I need colored troops for garrison duty. May I use them?

S. G. BURBRIDGE,
*Brigadier-General.*WAR DEPARTMENT,
*Washington City, June 23, 1864.*Brigadier-General BURBRIDGE,
Commanding, &c., Lexington, Ky.:

The intelligence contained in your telegram of this date is very gratifying. Officers will be promoted immediately, and the officers you name will be assigned to you. If you know any persons competent for command they will be appointed on your recommendation, designating what rank they are competent for. You may use the colored troops for whatever infantry or artillery service they are needed in garrison or in the field. Are you supplied with arms and equipments?

EDWIN M. STANTON,
*Secretary of War.*EXECUTIVE MANSION,
Washington, June 24, 1864.

Honorable ATTORNEY-GENERAL:

SIR: By authority of the Constitution, and moved thereto by the fourth section of the act of Congress entitled "An act making appropriations for the support of the Army for the year ending the 30th of June, 1865, and for other purposes, approved June 15, 1864," I require your opinion in writing as to what pay, bounty, and clothing are allowed by law to persons of color who were free on the 19th day of April, 1861, and who have been enlisted and mustered into the military service of the United States between the month of December, 1862, and the 16th of June, 1864.

Please answer as you would do, on my requirement, if the act of June 15, 1864, had not been passed, and I will so use your opinion as to satisfy that act.

Your obedient servant,

A. LINCOLN.

CIRCULAR }
No. 48. }WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, June 24, 1864.

When batteries of artillery become reduced, as cited in General Orders, No. 182, series of 1863, from this office, they will be deprived of the additional non-commissioned officers (two sergeants and four corporals), authorized to be added at the President's discretion. (See General Orders, No. 110, Adjutant-General's Office, 1863.)

In reaching the reduced standard, the non-commissioned officers in the aforesaid grades will be retained until the grades become vacant by the usual casualties of service.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 218, } Washington, June 25, 1864.

The following errors occur in General Orders, No. 195, from this office, publishing the standard supply table for horse medicines. Under the head Articles, supply the word ounces after "lunar caustic." Under the head Instruments, after "scalos and weights," read syringes instead of "springs."

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 24 } Washington, D. C., June 25, 1864.

The attention of boards of enrollment is called to section 6 of the act amendatory of the enrollment act, which is in the following words, viz:

SEC. 6. *And be it further enacted, That* boards of enrollment shall enroll all persons liable to draft under the provisions of this act and the act to which this is an amendment whose names may have been omitted by the proper enrolling officers, all persons who shall arrive at the age of twenty years before the draft, all aliens who shall declare their intention to become citizens, all persons discharged from the military or naval service of the United States who have not been in such service two years during the present war, and all persons who have been exempted under the provisions of the second section of the act to which this is an amendment, but who are not exempted by the provisions of this act; and said boards of enrollment shall release and discharge from draft all persons who, between the time of the enrollment and the draft, shall have arrived at the age of forty-five years, and shall strike the names of such persons from the enrollment.

Attention is also called to paragraphs 55, 56, 57, 58, 59, 60, 61, and 62, Revised Regulations for the Bureau of the Provost-Marshal-General.

It is to be borne in mind by the boards that their duties in regard to the correction of the enrollment do not cease with its revision, as recently completed or now in progress. On the contrary, the revision and correction of these lists is a continuous duty to which the labors of all boards must be directed. The names of persons removing to or from a district will be added to or stricken from the lists, and notification thereof must be served upon the other Board of Enrollment concerned.

The Board of Enrollment shall have copies of the enrollment lists open to the examination of the public at all proper times, and shall give public notice that any person enrolled may appear before the Board and claim to have a name stricken off the list if he can show to the satisfaction of the Board that the person named is not properly enrolled, on account of—

1. Alienage.
2. Non-residence.
3. Over age.

4. Permanent physical disability of such degree as to render the person not a proper subject for enrollment under the law and regulations.

Civil officers, clergymen, and all other prominent citizens are invited to appear at all times before the Board to point out errors in the lists and to give such information in their possession as may aid in the correction and revision thereof.

To the duty of hearing and acting upon claims for exemption boards of enrollment are enjoined to devote all the time that can be spared from other less pressing duties. They will report to the Provost-Marshal-General for the purpose of correcting lists on file, at the end of each month, upon sheets of consolidated enrollment lists, the names and residences of all persons who have been added to or stricken from the rolls during the month. They will send with each report a recapitulation, showing in concise form the number enrolled at the time of forwarding the last list, the number stricken from the enrollment, and the number added to it since that time, and its actual condition at date of report.

JAMES B. FRY,
Provost-Marshal-General.

NASHVILLE, TENN., *June 25, 1864.*

Hon. E. M. STANTON,
Secretary of War:

I repaired to Chattanooga and opened communication with General Sherman. He reports that he is receiving no negroes, as they are scarce in Northern Georgia, having been driven to Macon and Columbus. The general prefers them armed with spades and axes to soldiers at the present time, but does not object to the enlistment of any surplus negroes coming within his lines. I may have to fill the two incomplete regiments at Chattanooga with recruits from Kentucky. They made an excellent appearance. I shall have to investigate the acts of Lieutenant-Colonel Brown, a Tennessee officer commanding at Gallatin, Tenn., reported as driving the negro refugees beyond his line, and returning fugitive slaves to rebel masters in Simpson County, Ky. His Tennessee cavalry are reported as treating them harshly and cruelly, kicking and abusing them. The heavy artillery regiment at Paducah numbers 1,019. I will send infantry officers there as soon as I can get them. There are near 1,000 blacks at the camp at Louisville and 1,000 at Camp Nelson. As soon as the officers arrive I will organize two regiments and distribute them for recruiting purposes. The same system will be carried out in Tennessee. The negroes, seeing armed parties of their own people passing through the country, will readily join them, being satisfied of protection. I leave for Louisville the 26th instant.

L. THOMAS,
Adjutant-General.

CIRCULAR { WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 25. } *Washington, D. C., June 26, 1864.*

Persons not fit for military duty and not liable to draft from age or other causes have expressed a desire to be personally represented in the Army. In addition to the contributions they have made in the

way of bounties, they propose to procure at their own expense and present for enlistment recruits to represent them in the service. Such practical patriotism is worthy of special commendation and encouragement. Provost-marshals, and all other officers acting under this Bureau, are ordered to furnish all the facilities in their power to enlist and muster promptly the acceptable representative recruits presented in accordance with the design herein set forth.

The name of the person whom the recruit represents will be noted on the enlistment and descriptive roll of the recruit, and will be carried forward from those papers to the other official records which form his military history.

Suitably prepared certificates of this personal representation in the service will be forwarded from this office to be filled out and issued by provost-marshals to the persons who put in representative recruits.

JAMES B. FRY,
Provost-Marshal-General.

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
Near Kennesaw Mountain, June 26, 1864.

General LORENZO THOMAS,
Louisville, Ky.:

I was gratified at the receipt of your dispatch from Chattanooga. I would have answered sooner if our telegraph had not been broken so often of late. As I wrote you, I know all the people have left North Georgia for the regions of the Flint and Appalachicola with their negroes.

The regiments of blacks now in Chattanooga and Tennessee will absorb all the recruits we can get, but if you raise new regiments they could be well employed about Clarksville, Bowling Green, and on the Tennessee River, say at the terminus of the Northwestern Railroad. My preference is to make this radical change with natural slowness. If negroes are taken as soldiers by undue influence or force and compelled to leave their women in the uncertainty of their new condition, they cannot be relied on; but if they can put their families in some safe place and then earn money as soldiers or laborers, the transition will be more easy and the effect more permanent.

What my order contemplated was the urgency of recruiting captains and lieutenants to make up their quota in order to be commissioned.

They would use a species of force or undue influence and break up our gangs of laborers as necessary as soldiers. We find gangs of negro laborers well organized on the Mississippi at Nashville and along the railroads most useful, and I have used them with great success as pioneer companies attached to divisions, and I think it would be well if a law would sanction such an organization—say of 100 to each division of 4,000 men.

The first step in the liberation of the negro from bondage will be to get him and family to a place of safety, then to afford him the means of providing for his family, for their instincts are very strong, then gradually use a proportion—greater and greater each year—as sailors and soldiers. There will be no great difficulty in our absorbing the four million of slaves in this great industrious country of ours, and being lost to their masters the cause of war is gone, for this great money interest then ceases to be an element in our politics and civil

economy. If you divert too large a proportion of the able-bodied into the ranks, you will leave too large a class of black paupers on our hands; the great mass of our soldiery must be of the white race, and the black troops should for some years be used with caution and with due regard to the prejudice of the races. As was to be expected, in some instances they have done well, in others badly, but on the whole the experiment is worthy a fair trial, and all I ask is that it be not forced beyond the laws of natural development.

In Maryland, Missouri, and Kentucky it may be wisely used to secure their freedom with the consent of owners.

W. T. SHERMAN,
Major-General, Commanding.

WASHINGTON, *June 28, 1864.*

THE SENATE OF THE UNITED STATES:

In answer to the resolution of the Senate of the 24th instant, requesting information in regard to the alleged enlistment in foreign countries of recruits for the military and naval service of the United States, I transmit reports from the Secretaries of State, of War, and of the Navy, respectively.

ABRAHAM LINCOLN.

[Inclosure No. 1.]

DEPARTMENT OF STATE,
Washington, June 25, 1864.

THE PRESIDENT:

The Secretary of State, to whom has been referred the resolution of the Senate of the 24th instant, requesting the President to inform that body "If any authority has been given any one, either in this country or elsewhere, to obtain recruits in Ireland or Canada for our Army or Navy; and whether any such recruits have been obtained, or whether, to the knowledge of the Government, Irishmen or Canadians have been induced to emigrate to this country in order to be recruited; and if so, what measures, if any, have been adopted in order to arrest such conduct," has the honor, in reply to the inquiries thus submitted, to report that no authority has been given by the Executive of this Government, or by any Executive Department, to any one, either in this country or elsewhere, to obtain recruits either in Ireland, or in Canada, or in any foreign country, for either the Army or the Navy of the United States; and on the contrary, that whenever application for such authority has been made it has been refused and absolutely withheld.

If any such recruits have been obtained, either in the provinces named in the resolution, or in any foreign country, they have been obtained by persons who are not even citizens of the United States, but subjects or citizens of the country where the recruits were obtained. The persons who obtained such recruits, if any were so obtained, were answerable to the laws of the foreign province or country where their offenses were committed, and at the same time they were not within the reach of our own laws and tribunals; and such persons acted without any authority or consent, and even without the knowledge of this Government. This Government has no knowledge that any such recruits have been obtained in the provinces named, or in any foreign country. In two or three instances it has been reported to this Department that recruiting agents crossed the Canadian frontier, without authority, with a view to engage recruits

or reclaim deserters. The complaints thus made were immediately investigated, the proceedings of such recruiting agents were promptly disavowed and condemned, the recruits or deserters, if any had been brought into the United States, were at once returned, and the offending agents were dismissed from the public service.

In the land and naval forces of the United States there are found not only some Canadians, some Englishmen, and some Irishmen, but also many subjects of continental European powers. All of these persons were voluntary immigrants into the United States. They enlisted after their arrival on our shores, of their own free accord, within our own limits and jurisdiction, and not in any foreign country. The Executive Government has no knowledge of the nature of the special inducements which led these volunteers to emigrate from their native countries, or of the purposes for which they emigrated. It has, however, neither directly nor indirectly invited their immigration by any offers of employment in the military or naval service. When such persons were found within the United States, exactly the same inducements to military service were open to them which by authority of law were offered at the same time to citizens of the United States.

Having thus answered the inquiries contained in the resolution of the Senate, the Secretary of State might here, without impropriety, close this report. Nevertheless, the occasion is a proper one for noting complaints on the subject of recruitment in our Army and Navy which have recently found utterance in the British House of Lords. The Secretary of State has, therefore, further to report that the Government of the United States has practiced the most scrupulous care in preventing and avoiding in Great Britain, and in all other foreign countries, any violation of international or municipal laws in regard to the enlistment of soldiers and seamen.

Moreover, when the British Government, or any other foreign Government, has complained of any alleged violation of the rights of its subjects within the United States, this Government has listened to the complaints patiently, investigated them promptly, and where redress was found due and was practicable, has cheerfully accorded it. This Government, on the other hand, has been obliged to submit, in the ordinary way, grave complaints of the enlistment, equipment, and periodical payment in British ports of seamen and mariners employed in making unauthorized war from such ports against the United States.

It is a notorious fact, manifest to all the world, that a vigorous and continual tide of emigration is flowing from Europe, and especially from portions of the British Empire, and from Germany and Sweden, into the United States. This immigration, like the immigration which preceded it, results from the reciprocal conditions of industrial and social life in Europe and America. Of the mass of immigrants who arrive on our shores far the largest number go immediately into the occupations of peaceful industry. Those, on the contrary, who are susceptible to the attractions of military life voluntarily enter the national service with a similar class of our own native citizens, upon the same equal inducements, and with the same patriotic motives. There is no law of nations and no principle of international comity which requires us to refuse their aid in the cause of the country and of humanity.

This Government does not repudiate or discourage immigration. The Government frankly avows that it encourages immigration from all countries, but only by open, lawful, and honorable agencies and

means. However statesmen in other countries may have at the beginning misunderstood the nature and direction of the present civil war, that nature and that direction were not misunderstood by the Government of the United States. It was foreseen here that the seditious attempt to divide the American Union, if not discouraged by other commercial and maritime powers, would not merely produce great commercial and social embarrassment in the United States, but that if it should be persisted in and protracted it must seriously disturb the commerce and industry of other nations. Upon this ground, among others, the Government of the United States earnestly remonstrated with foreign states against their award of unusual commercial and belligerent privileges to the insurgents, in derogation of the sovereignty of the United States. When, however, it was fully disclosed that the insurrection aimed at nothing less than to separate fifteen of these States from the rest and to re-establish them within our own lawful territory, as one, single, independent nation, upon the foundation of African slavery, this Government did not hesitate, so far as authorized by law, to draw upon all the resources of the country and to call into activity all the energies of the American people to prevent so great a crime. It further resolved to devote its best efforts within the limits of international law and the Constitution of the United States, first, to bring African slavery to an end throughout the world, and secondly to strengthen the interest of free labor upon the American continent. It recognized and entered into commercial relations with free states founded on African colonization. It refused a market for slaves, and it pursued the slave-trader on the high seas and denies to him an asylum on our own shores. On the contrary, it invites honest and industrious freemen hither from all parts of the world and gives them free homes and ample fields, while it opens to them virgin mines and busy workshops, with all the privileges of perfect civil and religious liberty. So far as increase of immigration has resulted from the action of the Government during the present civil war, it is due exclusively to what has thus lawfully been done with those two ends of extinguishing slavery and fortifying freedom always in view. Nor has this Government any reason to be disappointed with the results. The country has sustained a very destructive war for the period of three years. Yet it is not here that national resources or credit fails. It is not here that patriots are wanting to defend the country of their birth or their choice, nor is it here that minors, farmers, merchants, artisans, and laborers lack either subsistence or employment with abundant rewards. The number of slaves is rapidly diminishing, and the number of freemen continues to augment, even during the convulsions of domestic war, more rapidly than ever a free population advanced in any other country or even in our own.

Respectfully submitted,

WILLIAM H. SEWARD.

[Inclosure No. 2.]

WAR DEPARTMENT,
Washington City, June 27, 1864.

THE PRESIDENT:

SIR: In answer to the Senate resolution of inquiry, passed June 24, 1864, and referred by you to this Department, I have the honor to reply:

First. That no authority has been given by this Department to any, either in this country or elsewhere, to obtain recruits in Ireland or Canada for the Army of the United States.

Second. That no recruits have been obtained in Ireland or in Canada for the Army of the United States with my knowledge or consent, and, to the best of my information and belief, none have been obtained nor any effort made to obtain them.

Third. That neither Irishmen nor Canadians have with my knowledge, approbation, or consent, or with the knowledge, approbation, or consent of any one in this Department been induced to emigrate to this country in order to enlist into the Army.

Fourth. That no measures have been adopted by this Department to arrest any such conduct, because no information of any such conduct has reached the Department, and I do not believe that it has been practiced in any instance.

I will add that no encouragement or inducement whatever has been extended by this Department to any person or persons to obtain recruits for the Army anywhere beyond the limits of the United States.

I have the honor to be, very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

[Inclosure No. 3.]

NAVY DEPARTMENT,
June 27, 1864.

THE PRESIDENT OF THE UNITED STATES:

SIR: I have the honor to acknowledge the reference to this Department of a resolution passed in the Senate of the United States on the 24th instant, requesting the President of the United States "to inform the Senate if any authority has been given to any one, either in this country or elsewhere, to obtain recruits in Ireland or in Canada for our Army or Navy; and whether any such recruits have been obtained, or whether, to the knowledge of the Government, Irishmen or Canadians have been induced to emigrate to this country in order to be so recruited; and if so, what measures, if any, have been adopted to arrest such conduct," and to state in reply that no such orders as that indicated in the resolution has been given by the Navy Department to any one, either in this country or elsewhere, nor is the Navy Department aware that any such recruits have been obtained, or that inducements have been offered to Irishmen or Canadians to emigrate to this country in order to be so recruited.

On the occasion of a visit of the U. S. steamer Kearsarge to Queens-town, Ireland, in November last, several Irishmen secreted themselves on board the vessel, were carried off in her, and when discovered were returned to that port and put ashore. This circumstance gave rise to a charge that the Kearsarge had violated the foreign enlistment act of Great Britain. Captain Winslow, commanding the Kearsarge, disavowed having violated this act or any intention of permitting others under his command to do so. Explanations have been made to the British Government, and it is presumed the matter has been satisfactorily settled.

I am, sir, with very great respect, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

CIRCULAR }
No. 49. }

WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
Washington, June 28, 1864.

When a vacancy occurs in the grade of field officer in any colored regiment the commanding general of the department in which the regiment is serving will assemble a board of competent officers to examine and report upon the qualifications of the field officers and captains of said regiment who may present themselves as candidates for appointment to the existing vacancy.

If no officer of the regiment whose examination is herein provided for shall be found competent to fill the vacant position, the department commander will then authorize officers from other colored regiments under his command to appear for examination.

When the board shall have found a candidate who possesses the requisite qualifications for the position to be filled, it will immediately forward, through the commanding general of the department, to the Adjutant-General of the Army, a report giving the names, rank, and regiment of all persons examined for the vacant position. A detailed report in the case of the successful candidate, showing the line of examination and his general qualifications, will be made.

No officer will be placed upon the board who is a candidate for the vacant position.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 28, 1864.

ADJUTANT-GENERAL OF KENTUCKY,
Frankfort, Ky.:

SIR: I have the honor to acknowledge the receipt of your letter of June 20, instant, in relation to a discrepancy of 1,716 men between the returns received from your office and those from the chief mustering officer for the State. In order that the matter may be properly adjusted I would most respectfully request that the combined reports already forwarded may be separated, so that the number enlisted in the field may appear distinct from those enlisted in the State.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

LOUISVILLE, KY., *June 29, 1864.*

Hon. E. M. STANTON,
Secretary of War:

General Chetlain and myself arrived here yesterday. I leave to-morrow for Lexington to see General Burbridge and shall proceed to Camp Nelson, where the negroes are coming in rapidly. As soon as I can station detachments at the places indicated in my order to protect the negroes and afford them facilities for coming to these camps recruiting will go forward rapidly. The artillery regiment at Paducah is entirely full. A regiment of 1,000 has just been organized

here, and there are 300 men for a second. Some 1,500 men are said to be at Camp Nelson. I wish to have at this place a school for field music. Am I authorized to employ a suitable teacher for the drum, fife, and bugle, to be paid from the appropriation for collecting, organizing, and drilling recruits? Such music is very necessary.

L. THOMAS,
Adjutant-General.

EXECUTIVE MANSION,
Washington, June 29, 1864.

Major-General STEELE:

I understand that Congress declines to admit to seats the persons sent as Senators and Representatives from Arkansas. These persons apprehend that, in consequence, you may not support the new State government there as you otherwise would. My wish is that you give that government and the people there the same support and protection that you would if the members had been admitted, because in no event, nor in any view of the case, can this do any harm, while it will be the best you can do toward suppressing the rebellion.

Yours, truly,

A. LINCOLN.

EXECUTIVE OFFICE,
Little Rock, Ark., June 29, 1864.

A. LINCOLN,

President of the United States:

SIR: Herewith I send you an act of the General Assembly, also a resolution of the same, by the hands of W. D. Snow, of this State, and earnestly ask your early attention to them. He will make all necessary explanations. I have unlimited confidence in his patriotism. We trust that you will not fail redeemed Arkansas—your own work.

ISAAC MURPHY,
Governor of Arkansas.

[Inclosure No. 1.]

OFFICE OF SECRETARY OF STATE,
Little Rock, Ark., June 1, 1864.

Be it resolved by the General Assembly of the State of Arkansas, That whereas, said State of Arkansas is now suffering from the invasion of armed forces of the so-called Confederate forces, and the recent movements against the rebel armies in the southern portion of said State is causing large numbers to break off into guerrilla bands infesting all parts of the State and causing the inhabitants of every county to suffer from such invasion and domestic violence;

And whereas, those in rebellion against the lawful authorities of said State and the Government of the United States have seized the public treasury, burned towns, desolated farms, overpowered and disarmed the true and law-abiding citizens, robbed them of their estates, and thus rendered it impossible for them alone to protect themselves against such outrages:

Resolved, therefore, That the President of the United States be most earnestly requested and implored to furnish additional soldiers

at the earliest possible day to protect said State of Arkansas against such invasion and domestic violence.

Resolved further, That this General Assembly recommend that mounted rangers are most suitable for service in this State, and they also suggest the propriety of employing the Arkansas troops now in the service of the United States as part for the defense of this State, believing that their intimate acquaintance with the different sections of the State will give them advantages in usefulness superior to other troops.

Approved June 1, 1864.

[Inclosure No. 2.]

OFFICE OF SECRETARY OF STATE,
Little Rock, Ark., June 8, 1864.

AN ACT to aid the civil authorities and prevent bushwhacking in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the Governor be, and he is hereby, authorized to negotiate with the United States authorities for ten thousand stand of arms and ammunition to arm a loyal State militia for the defense of the State of Arkansas, and he is hereby authorized to pledge the credit of the State for the same.

SEC. 2. *Be it further enacted*, That as soon as the Governor shall have obtained said arms and ammunition it shall be his duty to issue his proclamation calling for volunteer troops to serve for any term not less than ninety days, to be organized and officered as now prescribed by law: *Provided, however*, That he may commission such men as he knows to be loyal and trustworthy to recruit such number of men as he may think proper, and none but loyal and trustworthy men shall be permitted to bear arms in said organization, and no person shall be commissioned as an officer in said organization who has held an office, civil or military, by authority of the Confederate States Government, or by authority of any State while acting with the so-called Confederate States of America.

SEC. 3. *Be it further enacted*, That the troops organized as aforesaid shall be divided into companies and battalions, and be distributed as near as possible throughout the section of country where they may have been recruited, but may, when necessary to repel invasion, be concentrated at any place in the State, but shall not be held at any such place for a longer period than thirty days at one time, and not then, unless in cases of invasion as aforesaid and the absolute interest of the State may require such concentration as aforesaid.

SEC. 4. *Be it further enacted*, That the troops thus organized shall be mustered into the service of the State in such manner and at such time and place as the Governor may mention in his proclamation calling for such troops, and said troops when mustered into service shall be governed as near as possible by the rules and regulations for the government of the Armies of the United States, and the officers recruiting said volunteers shall make out a muster-roll with a description of each member of his company and the date of his enlistment, and transmit a copy thereof to the Governor to be kept on file in his office, and such troops are to serve without pay or expense to the State, and before being received into the service of the State they shall take the following oath, to wit: "I do solemnly swear that I

will bear true faith, allegiance, and loyalty to the Constitution of the United States and the constitution of this State; and I do further swear that I will obey all orders of the President of the United States, and the Governor of this State, and the officers appointed over me according to the Articles of War for the government of the Armies of the United States: So help me God."

SEC. 5. *Be it further enacted*, That when such troops are received into the service of the State as aforesaid it shall be the duty of the Governor to cause to be issued to them arms and ammunition, taking the officer's receipt therefor, and the officer deliver to and take a receipt from each member of his company for the arms thus issued, and they shall be responsible for the care and return of said arms so delivered to them except when lost in action or by unavoidable accident.

SEC. 6. *Be it further enacted*, That when the term of service of any such troops shall have expired it shall be the duty of the Governor to appoint a place and an officer whose duty it shall be to muster them out of the service.

SEC. 7. *Be it further enacted*, That all State militia provided for in this act shall wear, as a mark of distinction and for the purpose of being recognized at a distance, a band of red cloth three inches in width, to be worn on their hat or in the most conspicuous manner, and any person found wearing said mark of distinction who does not belong to said militia or to the Federal Army shall, by sentence of military authority, suffer death.

SEC. 8. *Be it further enacted*, That the Governor solicit a supply of salt, hard bread, and coffee from the authorities of the United States for the use of said militia, and that this act take effect and be in force from and after its passage.

Approved May 31, 1864.

EXECUTIVE OFFICE,
Little Rock, Ark.; June 29, 1864.

A. LINCOLN,

President of the United States:

Your Excellency will permit me to introduce to your favorable notice the bearer, William D. Snow, of Pine Bluff, Ark.

Mr. Snow is well acquainted in Arkansas. He will be able to give you a satisfactory account of the policy pursued by the military authorities here. On the 10th of September last Little Rock was taken by General Davidson. Had the advantage been pressed the enemy west of the Mississippi would have been totally and forever demoralized. But so it was that their discomfited army was only pursued twenty miles, and thenceforward to the present time paralysis has prostrated all effort.

At the time of the election the rebels were disheartened and the Union element triumphant. The hopes of the people were buoyant—the scale had turned in their favor, and security and protection were here. They went to work to recognize civil government. The President's proclamation came; it was received by loyal men as the dove from the ark—a harbinger of peace and restoration. Encouragement was given to hold elections and organize a State government. With trustful hearts it was done—not by the aid of military willingly given, but such aid as positive orders from the President

must enforce from unwilling minds. Notwithstanding 12,000 votes were given, a civil government erected on advanced principles, and which, if it had been sustained by the hearty co-operation of military authorities here, would have been a complete success, but the military are confined to a few posts.

The rebels take the country, and now the Union element are leaving at the average of 100 per day, broken-hearted and hopeless, whilst the rebels are enjoying security from both sides, and enjoying the property of the refugees, favored and petted by Federal commanders, the representatives of Your Excellency. These things are hard to bear. You will excuse me; I write from feeling.

True Union families are dying around this place, whilst bitter rebels are living luxuriously and basking in the favor of Federal power and occupying places of profit and trust.

I perhaps write with too much feeling, but I have just heard of a family dying of starvation within our lines, and I have no power to help the suffering. I have not the means to support my own family a day, only as friends furnish.

Will you forgive me?

ISAAC MURPHY,
Governor of Arkansas.

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 50. } *Washington, June 30, 1864.*

Civil employés in the various military offices and departments in Washington, who claim a residence and liability to draft elsewhere than in the District of Columbia, will immediately produce evidence of such residence and liability to the proper enrolling officers of the District of Columbia, and take steps to have their names stricken from their enrollment lists, in order that the quota of the District may be fixed upon a proper basis.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

BUTLER'S HEADQUARTERS,
June 30, 1864.

Hon. E. M. STANTON,
Secretary of War:

This case of difficulty has arisen in this command: Regiments which by hard fighting have been reduced below the minimum, and who have in one case, for example, 700 men and only 12 officers, are now, by orders from the War Department, Nos. 86 and 182, of the series of 1863, deprived of having officers, duly commissioned, mustered in where there is the most urgent necessity for them. I wish some relaxation of that order, as it may be difficult to make a general order covering the case. Would it not be well to submit to the discretion of department and corps commanders, when serving independently, to muster in officers, duly commissioned, in regiments below the minimum organization, when by death or otherwise so many vacancies exist that the services of the officers are needed?

BENJ. F. BUTLER,
Major-General, U. S. Volunteers.

STATE OF IOWA, ADJUTANT-GENERAL'S OFFICE,
Davenport, June 30, 1864.

Col. J. B. FRY,
Provost-Marshal-General, Washington, D. C.:

COLONEL: I am directed by the Governor to acknowledge the receipt of yours of the 24th instant, with inclosure, giving account of debits and credits of the State of Iowa with General Government on calls made upon this State for troops.

You ask us to accept it as correct. I presume it is very near correct. We do not propose to quibble on the number, as we are willing to furnish all the men that the General Government demands to put down this accursed rebellion. I wish, however, to state that I have always and still do object to the quota of Iowa, under calls of 1861, as 19,316, Mr. Solicitor Whiting's opinion to the contrary notwithstanding. The President's call was for 500,000 men, and no one, except the President, had the right to increase the call, by any solicitor's opinion, or, consequently, the quota of Iowa.

With great respect,

N. B. BAKER,
Adjutant-General of Iowa.

WAR DEPARTMENT,
Washington City, June 30, 1864.

Major-General CURTIS,
Fort Leavenworth, Kans.:

You are authorized to call on the Governor of Kansas for a regiment of 100-days' men, to be raised on the same terms as those furnished by the Governors of Ohio, Indiana, and Illinois, to wit:

The term of service to be 100 days, reckoning from the date of muster into the service of the United States, unless sooner discharged. The regiment to be mustered into the service of the United States when it has the minimum regimental strength, and to be organized according to the regulations of the War Department. The whole number to be furnished within twenty days from date. The troops to be clothed, armed, equipped, subsisted, and paid as other U. S. infantry volunteers, and to serve in fortifications or wherever their services may be required, within or without the State of Kansas. No bounty to be paid the troops, nor the service charged or credited on any draft. The draft for three-years' service to go on in any district where the quota is not filled up; but if any officer or soldier in this special service should be drafted, he shall be credited for the service rendered. You are also authorized to raise a negro battery, to be officered in the manner proposed in your telegram, and organized according to the regulations of the service.

EDWIN M. STANTON,
Secretary of War.

Consolidated abstract from returns of the U. S. Army for June 30, 1864.

Command.	Present for duty.		Aggregate present.	Aggregate present and absent.
	Officers.	Men.		
Department of Arkansas (Steele).....	1, 175	27, 082	28, 106	40, 168
Department of the Cumberland (Patterson).....	3, 541	89, 045	111, 220	174, 888
Department of the East (Dix).....	221	3, 354	4, 448	5, 093
Department of the Gulf (Banica).....	2, 548	65, 680	73, 607	96, 263
Department of Kansas (Carle).....	237	5, 024	5, 541	8, 261
Missile Department (Wadsworth).....	265	6, 027	6, 042	8, 121
Department of the Missouri (Huesarans).....	612	14, 003	17, 041	22, 224
Department of New Mexico (Carleton).....	161	3, 800	3, 954	5, 171
Department of the Northwest (Maitland).....	981	0, 087	12, 423	15, 333
Northern Department (Maitland).....	235	4, 940	5, 042	7, 106
Department of the Northwest (Lyon).....	1, 457	28, 820	35, 255	53, 704
Department of the Ohio (Schofield).....	213	3, 003	5, 271	6, 691
Department of the Pacific (Wright).....	4, 009	82, 541	112, 478	196, 730
Department (or Army) of the Potomac (Meade).....	682	15, 450	16, 010	22, 837
Department of the South (Foster).....	50	811	1, 100	1, 826
Department of the Southwest (Carr).....	4, 063	85, 157	107, 834	145, 603
Department of the Tennessee (McPherson).....	3, 900	43, 500	55, 000	90, 557
Department of Virginia and North Carolina (Baker).....	944	24, 723	33, 289	38, 066
Department of Washington (Angar).....	1, 079	27, 408	38, 047	40, 068
Department of West Virginia (Hawley).....				
Total.....	21, 874	530, 359	683, 058	1, 001, 782

^a Constituted the Military Division of West Mississippi, under Canby, with 4,835 officers and 97,004 men for duty; 130,114 aggregate present; 107,500 aggregate present and absent.

^b Constituted the Military Division of the Mississippi, under Sherman, with 10,091 officers and 202,623 men for duty; 358,800 aggregate present; 377,030 aggregate present and absent.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 221. } Washington, July 1, 1864.

The following acts of Congress are published for the information and government of all concerned:

I. PUBLIC—No. 125.

AN ACT to provide for the examination of certain officers of the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every quartermaster and assistant quartermaster, and every commissary and assistant commissary of subsistence, and every paymaster and additional paymaster shall, as soon as practicable, be ordered to appear for examination as to his qualifications before a board to be composed of three staff officers of the corps to which he belongs, of recognized merit and fitness, of whom two at least shall be officers of volunteers, which board shall make a careful examination as to the qualifications of all officers who may appear before them in pursuance of this act, and shall also keep minutes and make a full and true record of the examination in each case. And all members of such boards of examination shall, before proceeding to the discharge of their duties as herein provided, swear or affirm that they will conduct all examinations with impartiality, and with a sole view to the qualifications of the person or persons to be examined, and that they will not divulge the vote of any member upon the examination of any officer who may appear before them.

Sec. 2. *And be it further enacted,* That such boards of examination shall be convened, under the direction of the Secretary of War, by the Quartermaster-General, the Commissary-General of Subsistence, and the Paymaster-General, at

convenient places; and general rules of examination and a standard of qualifications shall be prescribed by said officers, subject to the approval of the Secretary of War, and shall be published in general orders.

SEC. 3. *And be it further enacted*, That after such general orders shall have been published for sixty days, if any officer who shall then be ordered before a board of examiners, under the provisions of this act, shall fail for thirty days after receiving such special order to report himself as directed, all his pay and allowances shall cease and be forfeited until he does appear and report for examination; and if he shall still thereafter fail for a further period of thirty days so to appear, he shall thereupon be dropped from the rolls of the Army; *Provided, however*, That if such failure to appear and report shall have been occasioned by wounds or sickness, or other physical disability, then there shall be no forfeiture of pay until thirty days after such disability has been removed; but if in sixty days after the disability is removed the officer shall not report himself, he shall then be dropped from the rolls as in other cases.

SEC. 4. *And be it further enacted*, That if the Board of Examination shall report that any officer does not possess the requisite business qualifications, they shall forward the record of the examination of such officer to the head of the bureau to which he may belong; and if the head of such bureau shall approve the finding and report of the Board, he shall forward the same through the Secretary of War to the President of the United States; and if the President shall confirm the same, the officer so failing in his examination shall, if commissioned, be dismissed from the service with one month's pay; and if not yet commissioned, his appointment shall be revoked. And if the Board shall report that any officer fails to pass a satisfactory examination by reason of intemperance, gambling, or other immorality, and if the head of the bureau shall approve the finding and report of the Board, and the same being recommended, as before provided, to the President and confirmed by him, then such officer shall be dismissed from the service without pay, and shall not be permitted to re-enter the service as an officer; *Provided*, That such dismissal shall not relieve him from liability under existing laws for any offense he may have committed.

SEC. 5. *And be it further enacted*, That the boards of examination shall forward all their records of examination to the heads of the bureaus to which they appertain, and such records shall be filed in the proper bureaus with a suitable index; and any officer who may desire it, shall be entitled to receive a copy of the record in his own case, upon paying the cost of copying the same.

Approved June 25, 1864.

II. PUBLIC—No. 123.

AN ACT to amend an act entitled "An act to provide for the payment of horses and other property destroyed in the military service of the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to which this be an amendment shall, from the commencement of the present rebellion, extend to and embrace all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of their duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private, was or shall be ordered by his superior officer to surrender to the enemy, and such capture was or shall be made in pursuance of such surrender.

Approved June 25, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Va., July 1, 1864—10 a. m.

Maj. Gen. H. W. HALLACK,
Chief of Staff:

I understand that many of the 100-days' men express a willingness to re-enlist for the long term. I think it advisable that an order should

be published giving such of them as wish to re-enlist in the old regiments the benefit of the bounties offered and crediting the States to which they belong with the number so re-enlisting.

U. S. GRANT,
Lieutenant-General.

WAR DEPARTMENT,
Washington City, July 2, 1864.

Maj. Gen. B. F. BUTLER,
Bermuda Hundred.

With reference to the subject of your telegram of June 30, being a request on your part for discretionary authority to independent corps and department commanders to muster in certain officers in cases prohibited by General Orders, No. 182, of 1863, I am directed by the Secretary of War to say that if the authority asked for be given the War Department will be responsible for the muster in of officers not authorized by law. Such discretionary authority cannot be rightly conceded.

By order of the Secretary of War:

JAS. A. HARDIE,
Colonel, Inspector-General U. S. Army.

[JULY 2, 1864.—For Curtis to Carney, calling for regiment of 100-days' men and authorizing the raising of a negro battery, see Series I, Vol. XLI, Part II, p. 27.]

LEXINGTON, KY., *July 3, 1864.*

Hon. EDWIN M. STANTON,
Secretary of War:

There are at Camp Nelson 3,000 negroes, and they will be organized as soon as I can get officers, which is now my great want. I obtained officers for about three regiments from my offices, but these will be required at Louisville. Candidates are being examined here, and General Burbridge expects to give me officers for three regiments. I ought to have immediately officers for six other regiments. General Schofield has ordered several regiments of white troops to the front, and the employment of colored troops in this State will thus become a necessity. Indeed, General Burbridge desires to use them. As soon as I get officers recruiting will go on rapidly. The people of the State seem to realize the fact that slavery has almost entirely ceased to exist, and the true Union men are perfectly satisfied that the able-bodied men should be enlisted; and whilst the Southern sympathizers see the same fact, and know that they cannot prevent their enlistment, they keep quiet on the subject. Taking the negroes just now will interfere with saving the crops, but I have stated that the women and children shall be required to remain at home and be cared for by their owners. They can be made useful in securing the grain. It will not answer to take this class of slaves, as employment could not be obtained for them, and they would only be an expence to the Government. In this State, where slavery exists, I conceive I have only to do with those who can be put into the army. The railroad terminus is at Nicholasville, six miles from Camp Nelson. From the

former point to the camp all supplies—and they are very numerous—have to be transported by wagons. If this large intrenched camp of 4,000 acres is to be continued—and I suppose such will be the case, as it is a good central point, and important as a base of supplies for Tennessee—it would be economy to construct a railroad over these six miles. It could be mainly constructed by the troops at comparatively little cost. General Burbridge gives me every assistance, and is fully impressed with the necessity of arming the negroes. He makes a good commander, and I hope will be continued in his present position. My presence will be necessary here to-morrow and perhaps the next day. I will return to Louisville.

L. THOMAS,
Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 3, 1864.

General L. THOMAS,
Adjutant-General, Louisville, Ky.:

Your General Order No. 20* has been presented to the Secretary of War. He directs me to say that on account of the peculiar condition of things in Kentucky in some time since given to General Burbridge the chief control of the recruiting service for both white and colored troops in that State.

General Burbridge, assisted by Major Sidell, superintendent of recruiting service, has been for several weeks enlisting negroes in Kentucky, and the Secretary does not wish you to supersede or disturb the arrangements made by General Burbridge. On the contrary, he desires you to give any aid in your power to carry out the plans General Burbridge is acting on, and to put under General Burbridge's control all the officers whom you deem it best to connect with recruitment and organization in Kentucky.

J. B. FRY,
Provost-Marshal-General.

HEADQUARTERS DISTRICT OF KENTUCKY,
Lexington, July 3, 1864.

Brig. Gen. L. THOMAS,
Adjutant-General U. S. Army:

GENERAL: I desire to call your attention to the following facts in regard to the recruiting and organization of colored troops in this district. Special Orders, No. 140, current series, from the War Department, directs that I, in addition to the duties already devolving upon me as commander of the District of Kentucky, shall be charged with the "general superintendence of the execution of the acts of Congress for raising troops in Kentucky by volunteer enlistment and by draft." This order contemplated the enlistment and organization of colored troops, and I immediately adopted measures which I deemed most prudent, in view of the general sentiment of Kentucky, to insure a thorough organization of colored troops in this State, with the least possible fooling upon the subject by the people. In view of the hostility toward the recruiting of colored troops in Kentucky by a very considerable part of our population (including all rebels and many

* See June 13, p. 420.

Unionists), and to bring the Union party, if possible, up to the true standard of loyalty, I regarded it as eminently necessary to proceed with some caution in the matter. The objects of my first caution being removed, several days ago I gave directions for organizing colored troops in this State, and was assured by the War Department that I should be sustained in the matter. My purposes were to organize colored troops in this State and officer them, as far as possible, with Kentucky officers. My next object was to garrison all fortifications by my colored troops, and use my white troops for other and more active duties. But in the midst of my arrangements I find that your orders to General Chetlain conflict with my intentions by taking the enlistment and organization of colored troops out of my hands. This is especially peculiar, inasmuch as I am charged with the military conduct of the State and have no control over a part of the forces quartered in my district, and a part of the forces to which I relied on to assist in conducting the defenses.

The numerous cases of unpleasant perplexities arising out of this conflict of jurisdiction will readily suggest themselves to your mind—such as irregularities of enlistment, marauding by the recruits, abuse of authority of those placed in charge of the troops, promises I have made in regard to the organization of this class of troops, thinking it would be left in my control, &c. You must be apprised that any grievance would be readily submitted to me as military commander, and that I would be powerless to offer prompt redress. I believe, general, that I do not exceed the truth, and I hope I do not trespass upon modesty when I say that being a Kentuckian and a large slaveholder, the people of Kentucky will feel less hostility to the organization of colored troops in this State if conducted under my supervision than if controlled by any authority outside of the State. I respectfully submit the foregoing for your consideration.

I am, general, very respectfully,

S. G. BURBRIDGE,
Brigadier-General.

Enclosure in relation to steel guns.

ORDNANCE OFFICE,
July 4, 1864.

Respectfully returned to the Secretary of War.

The experience with wrought-iron rifled field guns is most favorable to their endurance and efficiency. They cost less than steel, and stand all the charges we wish to impose upon them. For smooth-bore field guns, bronze is good enough, and the material valuable after the guns become, from any cause, unserviceable, more so than steel. No instance has occurred during the war where they have been so severely tested as the 12-pounder bronze gun having worn out or of its bursting. There are considerations to be well weighed before committing the Department to any large purchase of steel guns. The large steel guns made by Krupp for the Russian Government are said not to come up to expectation. We should, therefore, not accept the virtue of steel as an established fact until it is thoroughly tried in the forms in which it is to be used. I cannot, therefore, for the present recommend that an order be given to exceed one battery of six 12-pounder steel guns, and these for experimental purposes.

GEO. D. RAMSAY,
Brigadier-General and Chief of Ordnance.

[JULY 4, 1864.—For correspondence between Stanton, Couch, and Curtin, relating to measures for protection of Pennsylvania from invasion, see Series I, Vol. XXXVII, Part II, pp. 56-58.]

WAR DEPARTMENT,
Washington, D. C., July 5, 1864.

Governor MORTON,
Indianapolis:

Can you raise two regiments of militia to replace the two regiments of Veteran Reserves now at Indianapolis?

H. W. HALLECK,
Major-General and Chief of Staff.

INDIANAPOLIS, IND., July 5, 1864.
(Received 8.30 p. m.)

Maj. Gen. H. W. HALLECK,
Chief of Staff:

Governor Morton will be in Washington to-morrow, or next day, and will see you personally in regard to your telegram of this date.

A. H. SCHLOTES,
Colonel and Military Secretary.

COMMONWEALTH OF KENTUCKY, EXECUTIVE DEPARTMENT,
Frankfort, Ky., July 5, 1864.

HON. E. M. STANTON,
Secretary of War, Washington, D. C.:

SIR: Maj. Gen. D. W. Lindsey, Inspector-general of Kentucky, has been deputed by me to see and confer with you upon some matters which we deem important to our general defenses, as well as for the defenses of the State. As General Lindsey's services in the Army have made him known to you, any further recommendation is deemed useless.

Respectfully,

THOS. W. BRAMLETTE.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 5, 1864.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts:

SIR: Your letter of this date has been received, saying:

If it can be arranged that men who should volunteer for 100 days' service, as requested by you to-day, shall be exempted from any draft that may be ordered during such 100 days' service, I think that the men you want can be readily and rapidly raised. I do not, of course, mean that they be exempted from any future draft, but only from such as might be ordered during the term of 100 days for which they are asked. And I am disposed to believe that this would be a proper construction of the conscription law.*

*The remainder of Andrew's letter, not quoted, reads: "I make no request, but only a suggestion, which, it seems to me, would be useful, if objections do not exist of which you may be aware, though not perceived by me on first thought."

In reply I am directed by the Secretary of War to say that the arrangement you propose will be acceded to, and you are requested to call out 4,000 infantry in accordance with it. The details in connection with the subject will not differ materially otherwise from those heretofore prescribed in like cases. Will you please take such initiatory steps to-night as you may deem proper to hasten the raising of the troops, and have the kindness to call at my office at 10 a. m. to-morrow for a more full understanding?

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

WASHINGTON CITY, D. C., *July 5, 1864.*

Brig. Gen. WILLIAM SCHOULER and
Maj. WILLIAM ROGERS,
State House, Boston, Mass.:

The only trouble about our quotas appears to be that Provost-Marshal-General has not credited Massachusetts with as many soldiers under the 700,000-men call as Major Clarke has, and desires the particulars of his credits of 36,000 men. General Fry consents to the credits claimed by us and explained in my last annual message.

JOHN A. ANDREW,
Governor.

WASHINGTON CITY, D. C., *July 5, 1864.*

Adj't. Gen. WILLIAM SCHOULER and
Lieut. Col. A. G. BROWNE,
State House, Boston, Mass.:

Secretary Stanton desires 5,000 100-days' volunteers from Massachusetts to garrison fortifications of Washington. Get our fort companies to volunteer immediately for 100 days, if possible, and begin new companies additional. Issue an order and set the work going vigorously. Let all my staff make every effort. Communicate with all our companies. Telegraph to me at Willard's.

JOHN A. ANDREW,
Governor.

WAR DEPARTMENT,
Washington, July 5, 1864.

Hon. E. M. STANTON,
Secretary of War:

SIR: I respectfully urge that in the pending call for additional men the principles be established—

First. That at the expiration of the notice of fifty days any balance of the quota of any State that may be deficient shall be drafted from the population of the State that may not be at the time in the service of the United States.

Second. That this be construed to embrace the 100-days' men of the several States furnishing them, and that if any of such men be drafted the name of such man be set aside and another man be drawn to fill the place.

Third. That this rule be observed only while the 100-days' men are in service, and for fifty days thereafter, and after the expiration of

such time this class of men to become liable to other and future calls as other citizens of the State.

I submit to you the expediency of providing that if 100-days' men shall volunteer under the first call they be allowed to join such regiments as they may elect, and be credited with such time as they may have served under the 100-days' call, not exceeding fifty days. I do not press this point beyond your own convictions as to its policy or propriety.

The first three propositions, however, I do urge as a matter of justice to the men, who have so promptly come forward in the 100-days' service, and as a fair and equitable distribution of the burdens of the war among those who have heretofore avoided them. I do not see any legal difficulty in exempting from the first call and draft men who are actually in service at the time, however proximate their term of service, especially if they become liable to a future call after that service has expired. The principle seems to me just and equitable, and I urge its adoption.*

Very respectfully,

JOHN BROUGHT,
Governor of Ohio.

[JULY 5, 1864.—For correspondence between Stanton, Couch, and Curtin, in regard to providing forces for protection of Pennsylvania and Maryland against invasion, &c., see Series I, Vol. XXXVII, Part II, pp. 74-76.]

[JULY 5, 1864.—For correspondence between Stanton, Dix, and Seymour, in relation to raising troops for the defense of Pennsylvania and Maryland, see Series I, Vol. XXXVII, Part II, pp. 77, 78.]

GENERAL ORDERS, } WAR DEPT., ADJUT. GENERAL'S OFFICE,
No. 224. } Washington, July 6, 1864.

The following act of Congress is published for the information and government of all concerned:

PUBLIC—No. 190.

* AN ACT further to regulate and provide for the enrolling and calling out the national forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may, at his discretion, at any time hereafter, call for any number of men as volunteers for the respective terms of one, two, and three years, for military service; and any such volunteer, or, in case of draft, as hereinafter provided, any substitute, shall be credited to the town, township, ward of a city, precinct, or election district or of a county not so subdivided, toward the quota of which he may have volunteered or engaged as a substitute; and every volunteer who is accepted and mustered into the service for a term of one year, unless sooner discharged, shall receive and be paid by the United States a bounty of one hundred dollars; and for a term of two years, unless sooner discharged, a bounty of two hundred dollars; and if for a term of three years, unless sooner discharged, a bounty of three hundred dollars; one-third of which bounty shall be paid to the soldier at the

* For reply, see Series I, Vol. XXXVII, Part II, p. 70.

time of his being mustered into the service, one-third at the expiration of one-half of his term of service, and one-third at the expiration of his term of service. And in case of his death while in service, the residue of his bounty unpaid shall be paid to his widow, if he shall have left a widow; if not, to his children; or if there be none, to his mother, if she be a widow.

SEC. 2. *And be it further enacted*, That in case the quota, or any part thereof, of any town, township, ward of a city, precinct, or election district, or of any county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year to fill such quota, or any part thereof which may be unfilled; and in case of any such draft no payment of money shall be accepted or received by the Government as commutation to release any enrolled or drafted man from personal obligation to perform military service.

SEC. 3. *And be it further enacted*, That it shall be lawful for the Executive of any of the States to send recruiting agents into any of the States declared to be in rebellion, except the States of Arkansas, Tennessee, and Louisiana, to recruit volunteers under any call under the provisions of this act, who shall be credited to the State, and in the respective subdivisions thereof, which may procure the enlistment.

SEC. 4. *And be it further enacted*, That drafted men, substitutes, and volunteers, when mustered in, shall be organized into or assigned to regiments, batteries, or other organizations of their own States, and, as far as practicable, shall, when assigned, be permitted to select their own regiments, batteries, or other organizations from among those of their respective States which, at the time of assignment, may not be filled to their maximum number.

SEC. 5. *And be it further enacted*, That the twentieth section of the act entitled "An act to amend an act entitled an act for enrolling and calling out the national forces, and for other purposes," approved February twenty-four, eighteen hundred and sixty-four, shall be construed to mean that the Secretary of War shall discharge minors under the age of eighteen years under the circumstances and on the conditions prescribed in said section; and hereafter, if any officer of the United States shall knowingly enlist or muster into the military service any person under the age of sixteen years, with or without the consent of his parent or guardian, such person so enlisted or recruited shall be immediately discharged upon repayment of all bounty received; and such recruiting or mustering officer who shall knowingly enlist any person under sixteen years of age shall be dismissed from service, with forfeiture of all pay and allowances, and shall be subject to such further punishment as a court-martial may direct.

SEC. 6. *And be it further enacted*, That section three of an act entitled "An act to amend an act entitled an act for enrolling and calling out the national forces, and for other purposes," approved February twenty-four, eighteen hundred and sixty-four, be, and the same be hereby, amended so as to authorize and direct district provost-marshal, under the direction of the Provost-Marshal-General, to make a draft for one hundred per centum in addition to the number required to fill the quota of any district as provided by said section.

SEC. 7. *And be it further enacted*, That instead of traveling pay, all drafted persons reporting at the place of rendezvous shall be allowed transportation from their places of residence; and persons discharged at the place of rendezvous shall be allowed transportation to their places of residence.

SEC. 8. *And be it further enacted*, That all persons in the naval service of the United States, who have entered said service during the present rebellion, who have not been credited to the quota of any town, district, ward, or State, by reason of their being in said service and not enrolled prior to February twenty-four, eighteen hundred and sixty-four, shall be enrolled and credited to the quotas of the town, ward, district, or State in which they respectively reside, upon satisfactory proof of their residence made to the Secretary of War.

SEC. 9. *And be it further enacted*, That if any person duly drafted shall be absent from home in prosecution of his usual business, the provost-marshal of the district shall cause him to be duly notified, as soon as may be, and he shall not be deemed a deserter, nor liable as such, until notice has been given to him, and reasonable time allowed for him to return and report to the provost-marshal of his district; but such absence shall not otherwise affect his liability under this act.

SEC. 10. *And be it further enacted*, That nothing contained in this act shall be construed to alter or in any way affect the provisions of the seventeenth section of an act approved February twenty-four, eighteen hundred and sixty-four, entitled "An act to amend an act entitled an act for enrolling and calling out the national forces, and for other purposes," approved March third, eighteen hundred and sixty-three.

SEC. 11. *And be it further enacted*, That nothing contained in this act shall be construed to alter or change the provisions of existing laws relative to permitting persons liable to military service to furnish substitutes.

Approved July 4, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

ORDERS No. 24.]

LOUISVILLE, KY., *July 6, 1864.*

I. Brig. Gen. A. L. Chetlain, U. S. Volunteers, is relieved from the operation of so much of Orders No. 20, of June 13, 1864, as relates to the organization of colored troops in the State of Kentucky, and Bvt. Maj. Gen. S. G. Burbridge, U. S. Volunteers, is charged with that duty. Before returning to Memphis, Tenn., General Chetlain will make a minute inspection of the colored regiments in the State of Tennessee.

II. The law authorizing the enlistment of colored troops has only reference to the able-bodied negroes capable of bearing arms, and not to old men, the infirm, or women and children. Accordingly, none but able-bodied men will be received at the various camps designated for their reception. All others will be encouraged to remain at their respective homes, where, under the State laws, their masters are bound to take care of them, and those who may have been received at Camp Nelson will be sent to their homes. This latter is necessary, as many cases of disease have made their appearance among both sexes of such a nature as to require their removal beyond the limits of the camp. Furthermore, all of this class of persons are required to assist in securing the crops, now suffering in many cases for the want of labor.

III. The place of reception for colored men in the Ninth District is changed from Louisa to Ashland.

* * * * *

By order of the Secretary of War:

L. TITOMAS,
Adjutant-General.

[JULY 6, 1864.—For correspondence between Stanton and Brough, in relation to raising 100-days' men, see Series I, Vol. XXXVII, Part II, p. 91.]

[JULY 6, 1864.—For correspondence between Stanton, Couch, and Curtin, with reference to the conditions under which 12,000 volunteers for 100 days would be accepted, see Series I, Vol. XXXVII, Part II, pp. 94, 95, 97.]

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 6, 1864.

Maj. Gen. E. R. S. CANBY,

Comdg. Mil. Div. of West Mississippi, New Orleans, La.:

GENERAL: In connection with a letter of May 25 from Major-General Herron, with your indorsement of the 11th ultimo, relative to the

organization of volunteers in Texas, the following authority is hereby granted you by the Secretary of War:

First. You can for the force in Texas, in addition to the cavalry force already recruited, recruit and organize two or more regiments of volunteer cavalry (white troops) to form a cavalry brigade. It must be distinctly understood, however, that the horses must be obtained from Texas or elsewhere within your command, and must not be expected from the North.

Second. You may recruit as many regiments of volunteer infantry, white or colored, as can be organized from the persons desiring to enlist, on condition that the recruitment is conducted by successive regiments; that is, that one regiment shall be completely recruited and organized before another one is commenced.

Third. Officers for the troops herein authorized will be appointed by the War Department on your nomination.

The recruitment and musters must be governed by the requirements of the Recruiting and Mustering Regulations of the Army, and enlistments be made for two years, or as may be found most practicable.

Fourth. If you deem it expedient you may give authority to Judge Hancock to raise a brigade of infantry or cavalry subject to the foregoing conditions, to be commanded by himself, provided it be raised within sixty days from the date of your authority. The two regiments already raised may form a part of the brigade, consisting of four regiments, if you think proper.

I am, general, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

BY THE PRESIDENT OF THE UNITED STATES:

A PROCLAMATION.

Whereas, the Senate and House of Representatives at their last session adopted a concurrent resolution, which was approved on the second day of July instant, and which was in the words following, namely:

That the President of the United States be requested to appoint a day for humiliation and prayer by the people of the United States; that he request his constitutional advisers at the head of the Executive Departments to unite with him as Chief Magistrate of the Nation, at the city of Washington, and the members of Congress, and all magistrates, all civil, military, and naval officers, all soldiers, sailors, and marines, with all loyal and law-abiding people, to convene at their usual places of worship, or wherever they may be, to confess and repent of their manifold sins; to implore the compassion and forgive-
that, if consistent with His will, the existing rebellion be suppressed, and the supremacy of the Constitution and law may be established throughout all the States; to implore Ruler of the world, not to destroy us as a people, nor suffer by the hostility or complaisance of other nations, or by our own counsels which may be in conflict with His eternal purpose, to enlighten the mind of the Nation to know and to do believing that it is in accordance with His will that our people be united as a united people among the family of nations; that our armed defenders and the masses of those who are necessary to secure the good of the Nation be softened the hearts, enlighten of those in rebellion that they may lay down their allegiance to the United States, that the effusion of blood may be stayed, and peace established through

Now, therefore, I, Abraham Lincoln, President of the United States, cordially concurring with the Congress of the United States in the penitential and pious sentiments expressed in the aforesaid resolution, and heartily approving of the devotional design and purpose thereof, do hereby appoint the first Thursday of August next to be observed by the people of the United States as a day of national humiliation and prayer.

I do hereby further invite and request the heads of the Executive Departments of this Government, together with all legislators, all judges and magistrates, and all other persons exercising authority in the land, whether civil, military, or naval, and all soldiers, seamen, and marines in the national service, and all the other loyal and law-abiding people of the United States, to assemble in their preferred places of public worship on that day, and there and then to render to the Almighty and Merciful Ruler of the universe such homages and such confessions, and to offer to Him such supplications as the Congress of the United States have in their aforesaid resolution so solemnly, so earnestly, and so reverently recommended.

In testimony whereof I have herewith set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this seventh day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

[L. S.]

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 7, 1864.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts, Boston, Mass.:

SIR: Section 8 of the act approved July 4, 1864, further to regulate and provide for the enrolling and calling out the national forces, and for other purposes, is as follows:

That all persons in the naval service of the United States who have entered said service during the present rebellion, who have not been credited to the quota of any town, district, ward, or State, by reason of their being in said service and not enrolled prior to February 24, 1864, shall be enrolled and credited to the quotas of the town, ward, district, or State in which they respectively reside upon satisfactory proof of their residence made to the Secretary of War.

The Secretary of War hereby appoints Your Excellency and Hon. John H. Clifford a commission to ascertain what credits the State of Massachusetts and the different subdivisions of the State are entitled to under the law given above. In determining this question the Secretary thinks it will be fair to presume that the State in which naval enlistments have been made is entitled to the credit for those enlistments, unless it shall appear by more direct evidence that the credits belong elsewhere. The points of law to be observed in applying the act quoted will readily be perceived by the Commission.

Maj. F. N. Clarke, acting assistant provost-marshal-general for Massachusetts, will represent the United States so far as to carry into

immediate effect all the credits allowed by the Commission, unless they shall specially require reference to the Secretary of War.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,
Provost-Marshal-General.

ALBANY, July 7, 1864.

Hon. E. M. STANTON:

Will you receive volunteers for thirty days' service?

By order:

JOHN T. SPRAGUE,
Adjutant-General.

[JULY 7, 1864.—For Curtin to Stanton, announcing issue of proclamation for 12,000 troops, see Series I, Vol. XXXVII, Part II, p. 115.]

BY THE PRESIDENT OF THE UNITED STATES:

A PROCLAMATION.

Whereas, at the late session Congress passed a bill to "guarantee certain States, whose governments have been usurped or overthrown, a republican form of government," a copy of which is herewith annexed;

And whereas, the said bill was presented to the President of the United States for his approval less than one hour before the *sine die* adjournment of said session, and was not signed by him;

And whereas, the said bill contains, among other things, a plan for restoring the States in rebellion to their proper practical relation in the Union, which plan expresses the sense of Congress upon that subject, and which plan it is now thought fit to lay before the people for their consideration:

Now, therefore, I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known that, while I am (as I was in December last, when by proclamation I propounded a plan for restoration) unprepared by a formal approval of this bill to be inflexibly committed to any single plan of restoration; and while I am also unprepared to declare that the free State constitutions and governments already adopted and installed in Arkansas and Louisiana shall be set aside and held for naught, thereby repelling and discouraging the loyal citizens who have set up the same as to further effort, or to declare a constitutional competency in Congress to abolish slavery in States, but am at the same time sincerely hoping and expecting that a constitutional amendment abolishing slavery throughout the Nation may be adopted, nevertheless I am fully satisfied with the system for restoration contained in the bill as one very proper plan for the loyal people of any State choosing to adopt it, and that I am, and at all times shall be, prepared to give the executive aid and assistance to any such people, so soon as the military resistance to the United States shall have been suppressed in any such State and the people thereof shall have sufficiently returned to their obedience to the Constitution and the laws of the United States, in which cases military Governors will be appointed, with directions to proceed according to the bill.

In testimony whereof I have hereto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this eighth day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

[L. S.]

By the President:

WILLIAM H. STEWARD,
Secretary of State.

A BILL to guarantee to certain States whose governments have been usurped or overthrown a republican form of government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the States declared in rebellion against the United States the President shall, by and with the advice and consent of the Senate, appoint for each a provisional Governor, whose pay and emoluments shall not exceed that of a brigadier-general of volunteers, who shall be charged with the civil administration of such State until a State government therein shall be recognized as hereinafter provided.

SEC. 2. *And be it further enacted,* That so soon as the military resistance to the United States shall have been suppressed in any such State, and the people thereof shall have sufficiently returned to their obedience to the Constitution and laws of the United States, the provisional Governor shall direct the marshal of the United States, as speedily as may be, to name a sufficient number of deputies, and to enroll all white male citizens of the United States resident in the State in their respective counties, and to request each one to take the oath to support the Constitution of the United States, and in his enrollment to designate those who take and those who refuse to take the oath, which rolls shall be forthwith returned to the provisional Governor; and if the persons taking that oath shall amount to a majority of the persons enrolled in the State, he shall, by proclamation, invite the loyal people of the State to elect delegates to a convention charged to declare the will of the people of the State relative to the re-establishment of a State government subject to and in conformity with the Constitution of the United States.

SEC. 3. *And be it further enacted,* That the convention shall consist of as many members as both houses of the last constitutional State Legislature, apportioned by the provisional Governor among the counties, parishes, or districts of the State, in proportion to the white population, returned as electors, by the marshal in compliance with the provisions of this act. The provisional Governor shall, by proclamation, declare the number of delegates to be elected by each county, parish, or election district; name a day of election not less than thirty days thereafter; designate the places of voting in each county, parish, or district, conforming, as nearly as may be convenient, to the places used in the State elections next preceding the rebellion; appoint one or more commissioners to hold the election at each place of voting, and provide an adequate force to keep the peace during the election.

SEC. 4. *And be it further enacted,* That the delegates shall be elected by the loyal white male citizens of the United States of the age of twenty-one years, and resident at the time in the county, parish, or district in which they shall offer to vote, and enrolled as aforesaid, or absent in the military service of the United States, and

who shall take and subscribe the oath of allegiance to the United States in the form contained in the act of Congress of July second, eighteen hundred and sixty-two; and all such citizens of the United States who are in the military service of the United States shall vote at the headquarters of their respective commands, under such regulations as may be prescribed by the provisional Governor for the taking and return of their votes; but no person who has held or exercised any office, civil or military, State or Confederate, under the rebel usurpation, or who has voluntarily borne arms against the United States, shall vote, or be eligible to be elected as delegate at such election.

SEC. 5. *And be it further enacted*, That the said commissioners, or either of them, shall hold the election in conformity with this act, and so far as may be consistent therewith, shall proceed in the manner used in the State prior to the rebellion. The oath of allegiance shall be taken and subscribed on the poll book by every voter in the form above prescribed, but every person known by or proved to the commissioners to have held or exercised any office, civil or military, State or Confederate, under the rebel usurpation, or to have voluntarily borne arms against the United States, shall be excluded, though he offer to take the oath; and in case any person who shall have borne arms against the United States shall offer to vote, he shall be deemed to have borne arms voluntarily unless he shall prove the contrary by the testimony of a qualified voter. The poll book, showing the name and oath of each voter, shall be returned to the provisional Governor by the commissioners of election or the one acting, and the provisional Governor shall canvass such returns, and declare the person having the highest number of votes elected.

SEC. 6. *And be it further enacted*, That the provisional Governor shall by proclamation convene the delegates elected as aforesaid at the capital of the State on a day not more than three months after the election, giving at least thirty days' notice of such day. In case the said capital shall, in his judgment, be unfit, he shall in his proclamation appoint another place. He shall preside over the deliberations of the convention, and administer to each delegate before taking his seat in the convention the oath of allegiance to the United States in the form above prescribed.

SEC. 7. *And be it further enacted*, That the convention shall declare, on the behalf of the people of the State, their submission to the Constitution and laws of the United States, and shall adopt the following provisions hereby prescribed by the United States in the execution of the constitutional duty to guarantee a republican form of government to every State, and incorporate them in the constitution of the State; that is to say:

First. No person who has held or exercised any office, civil or military, except offices merely ministerial, and military offices below the grade of colonel, State or Confederate, under the usurping power, shall vote for or be a member of the Legislature, or Governor.

Second. Involuntary servitude is forever prohibited, and the freedom of all persons is guaranteed in said State.

Third. No debt, State or Confederate, created by or under the sanction of the usurping power, shall be recognized or paid by the State.

SEC. 8. *And be it further enacted*, That when the convention shall have adopted those provisions it shall proceed to re-establish a republican form of government, and ordain a constitution containing those

provisions, which, when adopted, the convention shall by ordinance provide for submitting to the people of the State entitled to vote under this law at an election to be held in the manner prescribed by the act for the election of delegates; but at a time and place named by the convention, at which election the said electors, and none others, shall vote directly for or against such constitution and form of State government, and the returns of said election shall be made to the provisional Governor, who shall canvass the same in the presence of the electors, and if a majority of the votes cast shall be for the constitution and form of government, he shall certify the same with a copy thereof, to the President of the United States, who, after obtaining the assent of Congress, shall, by proclamation, recognize the government so established, and none other, as the constitutional government of the State, and from the date of such recognition, and not before, Senators and Representatives and electors for President and Vice-President may be elected in such State, according to the laws of the State and of the United States.

SEC. 9. *And be it further enacted*, That if the convention shall refuse to re-establish the State government on the conditions aforesaid, the provisional Governor shall declare it dissolved; but it shall be the duty of the President, whenever he shall have reason to believe that a sufficient number of the people of the State entitled to vote under this act, in a number not less than the majority of those enrolled as aforesaid, are willing to re-establish a State government on the conditions aforesaid, to direct the provisional Governor to order another election of delegates to a convention for the purpose and in the manner prescribed in this act, and to proceed in all respects as hereinbefore provided, either to dissolve the convention or to certify the State government re-established by it to the President.

SEC. 10. *And be it further enacted*, That until the United States shall have recognized a republican form of State government, the provisional Governor in each of said States shall see that this act and the laws of the United States, and the laws of the State in force when the State government was overthrown by the rebellion, are faithfully executed within the State; but no law or usage whereby any person was heretofore held in involuntary servitude shall be recognized or enforced by any court or officer in such State, and the laws for the trial and punishment of white persons shall extend to all persons, and jurors shall have the qualifications of voters under the law for delegates to the convention. The President shall appoint such officers provided for by the laws of the State when its government was overthrown as he may find necessary to the civil administration of the State, all which officers shall be entitled to receive the fees and emoluments provided by the State laws for such officers.

SEC. 11. *And be it further enacted*, That until the recognition of a State government as aforesaid the provisional Governor shall, under such regulations as he may prescribe, cause to be assessed, levied and collected, for the year eighteen hundred and sixty-four, and every year thereafter, the taxes provided by the laws of such State to be levied during the fiscal year preceding the overthrow of the State government thereof, in the manner prescribed by the laws of the State, as nearly as may be; and the officers appointed as aforesaid are vested with all powers of levying and collecting such taxes, by distress or sale, as were vested in any officers or tribunal of the State government aforesaid for these purposes. The proceeds of such taxes

shall be accounted for to the provisional Governor, and be by him applied to the expenses of the administration of the laws in such State, subject to the direction of the President, and the surplus shall be deposited in the Treasury of the United States to the credit of such State, to be paid to the State upon an appropriation therefor, to be made when a republican form of government shall be recognized therein by the United States.

SEC. 12. *And be it further enacted*, That all persons held to involuntary servitude in the States aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free. And if any such persons or their posterity shall be restrained of liberty, under pretense of any claim to such service or labor, the courts of the United States shall, on habeas corpus, discharge them.

SEC. 13. *And be it further enacted*, That if any person declared free by this act, or any law of the United States, or any proclamation of the President, be restrained of liberty, with intent to be held in or reduced to involuntary servitude or labor, the person convicted before a court of competent jurisdiction of such act shall be punished by fine of not less than one thousand five hundred dollars, and be imprisoned not less than five nor more than twenty years.

SEC. 14. *And be it further enacted*, That every person who shall hereafter hold or exercise any office, civil or military, except offices merely ministerial, and military offices below the grade of colonel, in the rebel service, State or Confederate, is hereby declared not to be a citizen of the United States.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 226. } Washington, July 8, 1864.

Section 2 of the act approved June 20, 1864, published in General Orders, No. 216, current series, having modified the army ration, the following regulations on that subject will be observed:

1. The ration is twelve ounces of pork or bacon, or one pound and four ounces of salt or fresh beef; eighteen ounces of soft bread or flour, or twelve ounces of hard bread, or one pound and four ounces of corn-meal; and to every 100 rations, fifteen pounds of beans or peas, or ten pounds of rice or hominy; ten pounds of green coffee, or eight pounds of roasted (or roasted and ground) coffee, or one pound and eight ounces of tea; fifteen pounds of sugar; four quarts of vinegar; one pound and four ounces of adamantine or star candles; four pounds of soap; three pounds and twelve ounces of salt, and four ounces of pepper. The Subsistence Department, as may be most convenient or least expensive to it, and according to the condition and amount of its supplies, shall determine whether soft bread or flour, and what other component parts of the ration as equivalents, shall be issued.

2. On a campaign, on marches, or on board of transports, the ration of hard bread is one pound.

3. Desiccated compressed potatoes, or desiccated compressed mixed vegetables, at the rate of one ounce and a half of the former and one ounce of the latter to the ration, may be substituted for beans, peas, rice, or hominy.

4. Beans, peas, salt, and potatoes (fresh) shall be purchased, issued, and sold by weight, and the bushel of each shall be estimated at sixty pounds.

5. When deemed necessary, fresh vegetables, dried fruit, molasses pickles, or any other proper food may be purchased and issued in lieu of any component part of the ration of equal money value. The Commissary-General of Subsistence is alone authorized to order such purchases.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR } WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 26. } *Washington, D. C., July 8, 1864.*

I. Section 7 of the act approved July 4, 1864, "for enrolling and calling out the national forces, and for other purposes," is as follows:

SEC. 7. *And be it further enacted*, That instead of traveling pay, all drafted persons reporting at the place of rendezvous shall be allowed transportation from their places of residence, and persons discharged at the place of rendezvous shall be allowed transportation to their places of residence.

II. Paragraphs 134 and 135, Revised Regulations, Provost-Marshal-General's Bureau, page 21, are hereby rescinded.

III. Paragraph 133, Revised Regulations, Provost-Marshal-General's Bureau, page 21, is modified to read as follows:

To the "Notification of Draft" for all drafted persons will be attached a requisition for transportation (over the shortest usually traveled route) from the place of residence to the place of rendezvous; and all discharged drafted persons except those furnishing substitutes or paying commutation money, will be furnished by provost-marshals with transportation from the rendezvous to the place of residence.

IV. Paragraph 147, Revised Regulations, Provost-Marshal-General's Bureau, is amended to read as follows, in the last clause:

Accounts for payment of transportation furnished to Class II, and to the persons designated in paragraphs 133, 145, and 146 will be forwarded to the Provost-Marshal-General.

V. When requisitions for transportation are issued by provost-marshals to deputies or special agents (see pars. 144-147, Regulations) to go in pursuit of deserters, this fact must be entered on the stub of the requisition book, in order that the expense of such transportation, in case the arrest is made, may be charged to the deserter. When the requisition is forwarded with the account for payment mark on it the fact whether or not the deserter was arrested and he to service, and to what general rendezvous turned over.

JAMES B. FRY,
Provost-Marshal-General.

LOUISVILLE, KY., *July 8, 1864.*
(Received 5.20 p. m.)

Col. J. A. HARRIS,
Inspector-General:

I have discovered positively that there is an organization throng out the Western States the object of which is the destruction of Government property. Telegraph at once to Saint Louis and Indianapoli. Attempts will be made shortly to burn the Government depots at these points. All the public property in Indiana and Kentucky very indifferently guarded.

L. C. BAKER,
Colonel and Agent War Department.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 8, 1864.

Maj. Gen. H. W. HALLECK,
Chief of Staff, Washington, D. C.:

GENERAL: I have the honor to inclose herewith for your information an extract from the tri-monthly report of Capt. W. Dunning, provost-marshal of the Ninth District of New York, and one from a letter of Paymaster Carstairs, U. S. Navy, relative to combinations now forming in the city of New York for the purpose of resisting the approaching draft. With Paymaster Carstairs I am personally acquainted.

I respectfully request that the information contained in these papers may be transmitted to Maj. Gen. John A. Dix, commanding Department of the East, with such orders as you may deem necessary in the case.

I am, general, very respectfully, your obedient servant,
 JAMES B. FRY,
Provost-Marshal-General.

[First indorsement.]

JULY 8, 1864.

To Major-General Dix, to take the necessary measures to ascertain the correctness of these statements.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, July 28, 1864.

Respectfully returned.

The combinations referred to have been for months under the surveillance of the police and of one of our detectives. They are political organizations got up to promote the election of General McClellan to the office of President. I have not been able to ascertain and I do not believe that in New York and the States east of the Alleghanies they have contemplated any other than peaceful measures.

I am in constant communication with the superintendent of the police, who understands the project thoroughly, and shall not fail to advise the Government if its action becomes necessary.

JOHN A. DIX,
Major-General.

[Inclosure No. 1.]

OFFICE OF THE PROVOST-MARSHAL,
 NINTH CONGRESSIONAL DISTRICT OF NEW YORK,
New York, June 30, 1864.

Extract from tri-monthly report.

* * * * *

Developments under the labor of enrollment warrant me in saying that combinations are forming which are fast ripening into organization, with the avowed intention of resisting any draft that may be made in this city.

They are variously designated, composed in the most part of the Irish "laboring classes," led by designing men of some ability, and frequently addressed by these leaders at their various places of meeting.

Outwardly assuming to be "protective union" organizations or some other popular name, but really for the purpose of offering a combined resistance to the enforcement of a draft.

Respectfully submitted.

W. DUNNING,

Captain and Provost-Marshal, Ninth District of New York.

[Inclosure No. 2.]

U. S. STEAMER KUTAW,
Norfolk, July 4, 1864.

Please say to Fry that one of our firemen received a letter from one of his Irish friends in New York, stating that the friends of Vallandigham are preparing for a grand riot; they have been purchasing through their agents old arms and storing them in their own arsenal on Tenth avenue, exactly where is not known, and that a riot upon a grand scale is about to come off. The reading of this letter was overheard by one of our junior engineers, who communicated it to me. I give it to you for what it is worth, with the hope of a good result.

Truly, yours,

THOS. CARSTAIRS.

WASHINGTON, D. C., *July 8, 1864.*

Governor SEYMOUR,
Albany, N. Y.:

The Secretary of War directs me to inquire what progress is making in raising troops under the President's call, and when the first regiments will be ready for service.*

H. W. HALLECK,
Major-General and Chief of Staff.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 227. } *Washington, July 9, 1864.*

REGULATIONS FOR RECRUITING IN REBEL STATES FOR LOYAL STATES.

The following regulations are established to carry out section 3 of the act approved July 4, 1864, "further to regulate and provide for the enrolling and calling out the national forces:"

SEC. 3. *And be it further enacted,* That it shall be lawful for the Executive of any of the States to send recruiting agents into any of the States declared to be in rebellion, except the States of Arkansas, Tennessee, and Louisiana, to recruit volunteers under any call under the provisions of this act, who shall be credited to the State, and to the respective subdivisions thereof, which may procure the enlistment.

1. In order that recruiting agents may be afforded proper facilities by U. S. authorities, they must have a letter of appointment from the State Executive, a certified copy of which must be filed with the Provost-Marshal-General and the commanding officer of the rendezvous established for the district in which they are to recruit. Th

* For reply, see Seymour to Halleck, Series I, Vol. XXXVII, Part II, p. 15

particular field of a State in which each agent is to operate should be specified in the letter of appointment. To avoid confusion, the number of agents should not be large. Experience has shown that these agents should not be paid for each recruit, but that they should have a fixed compensation for their services; otherwise fraudulent practices may be resorted to for the pecuniary benefit of the agent, to the great prejudice of the State and the military service.

2. It shall be the duty of the recruiting agents, before entering upon their duties, to report in person, through the commanding officer of the rendezvous herein designated for the States in which they are to operate, to the commanding officer of the military district department, or army, in order that they may have a proper pass and protection. All recruiting agents will be subject to the Rules and Articles of War.

3. It shall be the duty of the commanding officer of the army, department, or district in which recruiting agents operate, and of commanding officers of rendezvous, to order back to his State (or arrest and hold for trial, as he may deem best) any recruiting agent who shall commit frauds upon the Government or recruits, or shall violate the instructions issued to govern this recruitment, or be guilty of any offense against military law. Recruiting agents will be held responsible for the conduct of all persons who act under their authority or direction.

4. No man shall be recruited who is already in the military service as soldier, teamster, laborer, guide, &c., or who is so employed by the military authorities as to be of importance to military operations.

5. Recruits procured in accordance with the act quoted must be delivered by the recruiting agents at one of the following-named rendezvous, viz:

- Camp Casey, Washington, D. C., for Northeast Virginia.
- Camp ———, near Fort Monroe, Va., for Southeast Virginia.
- Camp ———, New Berne, N. C., for North Carolina.
- Camp ———, Hilton Head, S. C., for South Carolina and Florida.
- Camp ———, Vicksburg, Miss., for Mississippi.
- Camp ———, Nashville, Tenn., for Georgia and Alabama.

When received at the rendezvous it shall be the duty of the U. S. officers there to have the recruits promptly examined, and, if accepted, to have them immediately mustered into the U. S. service, properly provided for, and sent to the regiments for which they may have been enlisted or assigned. A certified copy of the muster-in roll shall be given to the recruiting agent whenever at least ten recruits shall be mustered.

The aforesaid rendezvous are regarded as military posts, and will be conducted as such under the immediate orders of the War Department as issued through the Adjutant-General's Office; but department and army commanders are desired to exercise a supervision over them, as coming within the limits of their departments, and to make any reports to this office concerning them which may be deemed advisable.

6. If it is desired to put any of the volunteer recruits obtained under this act into service as substitutes before or after draft, they must be sent, without expense to the Government, by the recruiting agent to the district in which the principal is enrolled and there be mustered in by the provost-marshal, who will issue the proper substitution papers.

7. It is made the duty of commanding officers to afford to recruiting agents all such facilities as they can provide without detrimen-

to the public service, and to prevent recruiting by unauthorized parties.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

WASHINGTON, D. C., *July 9, 1864.*

Hon. HORACE GREELEY:

DEAR SIR: Your letter of the 7th with inclosures received.* If you can find any person anywhere professing to have any proposition, Jefferson Davis in writing, for peace, embracing the restoration of the Union and abandonment of slavery, whatever else it embraces, so that he may come to me with you; and that if he really brings such proposition, he shall at the least have safe-conduct with the pass (and without publicity if he chooses) to the point where you shall have met him. The same if there be two or more persons.

Yours, truly,

A. LINCOLN.

CINCINNATI, OHIO, *July 9, 1864.*

Hon. E. M. STANTON,
Secretary of War:

Finding I could be spared from Louisville for two or three days, came here to see the boards for examining candidates for colored troops of medical officers. I shall obtain none, and the Board for regimental officers has been dissolved. I shall this evening proceed to Saint Louis for a similar purpose, and to examine into what further may be done for the organization of colored troops in Missouri. The negroes heretofore have been sent to Louisville, but I shall now organize a regiment at the former place.

L. THOMAS,
Adjutant-General.

WAR DEPARTMENT,
Washington City, July 9, 1864.

Adjutant-General SPRAGUE,
Albany, N. Y.:

Answer to your inquiry respecting thirty-days' men having been delayed until General Grant could be consulted, I am directed by the Secretary of War to inform you that upon consultation it is believed that thirty-days' men will not be able to render any efficient service.

LOUIS H. PELOUZE,
Assistant Adjutant-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 9, 1864.

Governor SEYMOUR,
Albany, N. Y.:

Please forward to Washington, as fast as they can be got ready, the 12,000 militia for 100 days' service, heretofore asked for from New

*Not found.

York. This is not intended to interfere with any request which may have been made to furnish militia to relieve the Tenth Regiment Veteran Reserve Corps, in New York City, and the Sixteenth Regiment, same corps, at Elmira.

JAMES B. FRY,
Provost-Marshal-General.

[JULY 9, 1864.—For correspondence between the War Department and the authorities of Pennsylvania, New York, and Massachusetts, in relation to organizing 100-days' troops, see Series I, Vol. XXXVII, Part II, pp. 151, 152.]

Hon. E. M. STANTON,
Secretary of War:

FRANKFORT, KY., July 10, 1864.

Will you arrange with General Lindsey for the organization in Kentucky of forces upon a basis similar to that made with Missouri? The danger which threatens from secret organizations in our neighboring States requires this preparation. May I continue to enlist such of the twelve-months' troops as are willing in three-years' service? Have had several recent applications.

T. E. BRAMLETTE,
Governor of Kentucky.

Hon. E. M. STANTON,
Secretary of War:

WASHINGTON, D. C., July 11, 1864.

SIR: Owing to the unsettled state of affairs in Kentucky, His Excellency Governor Bramlette proposes to organize a State force of three battalions—one to be assigned to duty in Eastern Kentucky in the vicinity of Paducah, and one at Frankfort intended to aid and assist the Federal troops, and to the call of the district commander for such service.

The Governor proposes to sustain this force, but, to avoid competition with the market for supplies, he requests me to assign a proper U. S. officer in Kentucky to issue master's supplies to this force upon receipt of which they may be paid for by the State in general settlement.

I would most respectfully ask your approval of this arrangement as I deem it important that I should refer it to you.

Very respectfully, your obedient servant,

[Indorsement.]

JULY 11, 1864.

If the within arrangement is approved by Major-General Burbridge it is sanctioned by the War Department, and General Burbridge is authorized to issue orders to the proper officer for the supplies required.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,

Washington, July 12, 1864.

Brig. Gen. J. Holt,

Judge-Advocate-General U. S. Army, Washington, D. C.:

GENERAL: The Secretary of War directs me to request you to proceed at the earliest practicable moment to the State of Kentucky, and have a personal conference with His Excellency Governor Bramlett and Major-General Burbridge in relation to military and political affairs in that State, and also the administration of military justice. The particular object of your mission will be to make yourself acquainted with the facts in regard to secret and open organization against the Government intended to afford aid and comfort to the enemy, and to ascertain the operations of disaffected and disloyal persons in Kentucky acting in conjunction with persons of similar disposition in other States. You are aware that information has reached the Department from various quarters for some time that such organizations exist in the States of Ohio, Indiana, Illinois, Kentucky, and Missouri, having for their object the embarrassment of the Government in its military operations, and possibly to incite armed opposition and rebellion.

Another subject to which your attention is directed is the execution of the laws in regard to the enlistment of colored recruits in the State of Kentucky, and to any secret or open hostility manifested by disloyal persons against such enlistments. You will ascertain the extent to which such opposition goes, and the manner of its operation, and then consider in your conference with Governor Bramlette or General Burbridge, one or both of them, what measures, if any, should be adopted by the Government upon this subject in order to enforce the acts of Congress and the regulations of the Department, and to bring to trial and punishment those who are guilty of opposition to the laws relating thereto. You will please make diligent inquiry as to the manner in which colored persons enlisted into the service are treated, and whether any, and if so what, measures are necessary to secure to them that military justice and protection to which they are entitled from the Government. You will make reports to the Department of such things as you may deem require remedy before your return, and make a detailed report upon the whole subject when your investigations shall have closed.

From Louisville you will please proceed to Saint Louis and make similar investigations there.

It is not the design of these instructions to limit your investigation to the specific subjects therein stated, but simply to call them specially to your attention. You will extend your observations to any matters relating to the service that in your judgment are required by the public safety.*

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant-General.

STATE OF MAINE, EXECUTIVE DEPARTMENT,

Augusta, July 13, 1864.

A PROCLAMATION.

Whereas, rumors are rife that the National Capital is in danger from the rebel hordes having once more attempted the invasion of loyal

* For report, see Series I, Vol. XXXIX, Part II, p. 212.

States with the purpose equally of raising the siege of Richmond and the plunder and destruction of the property of loyal people; and whereas, in consequence of communication being cut off with Washington, we are unable to concert measures of protection or resistance with the national authorities:

Therefore I, Samuel Cony, Governor of the State of Maine, call upon all good citizens, magistrates, and people within her limits and in every locality, to make arrangements for the performance of a common duty—the driving back of the rebel foe.

I invite every citizen to constitute himself a recruiting officer, and request that lists may at once be obtained of all men who are willing to enter the military service of the country, for the protection of the city of Washington and defense of the loyal States, for a term not exceeding 100 days.

General orders will be issued prescribing the mode of organization of forces which may be called upon to leave the State in this emergency.

There will be paid by the State to each non-commissioned officer and private mustered into the service of the United States, and who shall actually leave the State, in the nature of a bounty, a sum monthly, equal to the pay of a private in addition to the pay and allowances of the United States, for every month's service rendered. Inasmuch as due provision by law for the creation of an organized, efficient, and adequate militia, to meet emergencies like the present, has been omitted, the gravity of which omission the perils of the present moment demonstrate, we are compelled to rely upon the necessarily slow process of unorganized volunteering.

Maine has ever been ready on all the occasions of this war to meet her full share of responsibility and contribute her due proportion of soldiers for the common cause, and your chief magistrate doubts not that her high character for patriotic devotion will be maintained in the present crisis, and as the fathers of the Revolutionary days "left the plow in the furrow," that the sons in our time will leave the grass in the swath, to repel the invasion of our soil.

SAMUEL CONY,
Governor and Commander-in-Chief.

GENERAL ORDERS, }

No. 24. }

STATE OF MAINE,
HQS. ADJUTANT-GENERAL'S OFFICE,
Augusta, July 13, 1864.

I. Definite action under the Governor's proclamation of this date calling for troops will forthwith be taken, by volunteers signing an obligation in duplicate in these words, viz:

We hereby volunteer and enlist for the performance of military duty for the United States Government in the defense of Washington and the loyal States for a period of 100 days from muster, unless sooner discharged, for such pay, allowances, and bounty as we may be entitled to receive from the United States and State of Maine.

II. The enlistment of twenty-five suitable men upon one roll and in one community will entitle them to select a second lieutenant; of thirty-two men, a first lieutenant; of forty-five men, a captain; of 101 men, the three company officers, who will be commissioned by the Governor if veterans and qualified for their commands, and the men are duly mustered into the U. S. service.

III. The consolidation of squads of less than a company should be perfected in all cases without delay in their respective localities, and

one part of the enlistment contracts for the company, the names and residences of the officers elected, and the post-office address of the company rendezvous, be forthwith sent to this office, per mail.

IV. Pay and clothing allowance (the latter \$25.00 for 100 days) will commence with date of enlistment, if called into service, but subsistence and quarters will not be furnished until companies rendezvous for regimental organization, which will be ordered as soon as the requisite number are reported as in readiness, and papers returned as aforesaid.

V. Uniforms, clothing, accouterments, arms, &c., and transportation will be provided by the Government and State aid be furnished to families and dependents of volunteers, under provisions of the law of last session from time of rendezvous for regimental organization.

By order of His Excellency Samuel Cony, Governor and commander-in-chief:

JOHN L. HODSDON,
Adjutant-General.

[JULY 14, 1864.—For Sherman to Halleck, concerning recruiting agents in the rebel States, see Series I, Vol. XXXVIII, Part V, pp. 136, 137.]

ATTORNEY-GENERAL'S OFFICE,
July 14, 1864.

THE PRESIDENT.

SIR: By your communication of the 24th ultimo you require my opinion in writing as to what amounts of pay, bounty, and clothing are allowed by law to persons of color who were free on the 10th day of April, 1861, and who have been enlisted and mustered into the military service of the United States between the month of December, 1862, and the 10th of June, 1864. I suppose that whatever doubt or difficulty may exist with regard to the amount of pay and allowances to which the soldiers to whom you refer are entitled has mainly its origin in the several provisions of the act of July 17, 1862, chapter 201 (12 Stat., 599), relative to the employment of persons of African descent in the service of the United States. The twelfth section of that statute provides:

That the President be, and he is hereby, authorized to receive into the service of the United States, for the purpose of constructing intrenchments or performing camp service, or any other labor, or any military or naval service for which they may be found competent, persons of African descent, and such persons shall be enrolled and organized under such regulations not inconsistent with the Constitution and laws as the President may prescribe.

The fifteenth section of the same statute enacts that "persons of African descent who, under this law, shall be employed, shall receive \$10 per month and one ration, \$3 of which monthly pay may be in clothing."

The first and main question, therefore, is whether the persons of color referred to in your letter, who were mustered into the military service of the United States during the period of time which you indicate, are "persons of African descent" employed under the statute of July 17, 1862, chapter 201. If they are not thus employed, their compensation should not be governed and is not regulated by the words of the fifteenth section of that statute which I have just quoted.

Now, I think that it is clear—too clear indeed to admit of doubt or discussion—that those persons of color who have voluntarily enlisted and have been mustered into our military service, who have been organized with appropriate officers into companies, regiments, and brigades of soldiers, and who have done and are doing in the field and in garrison the duty and service of soldiers of the United States, are not persons of African descent employed under the statute to which I have referred.

I do not find, indeed, in the act any authority to enlist persons of African descent into the service as soldiers. It will be observed that the said twelfth section enumerates two kinds of employment for which those persons are authorized to be enrolled, namely, constructing intrenchments and performing camp service. The section then contains a more general authority—authority to receive such persons into the service for the purpose of performing “any other labor or any military or naval service for which they may be found competent.” I am bound, however, by every rule of law respecting the construction of statutes to construe these words of more general authority with reference to the character, nature, and quality of the particular kinds of labor and services which are, in the first instance, specifically enumerated in the statute, as those for the performance of which persons of African descent are authorized to be received into the service, and therefore I must suppose that Congress, when it conferred authority upon the President to receive into the service of the United States persons of African descent for the purpose of performing any other labor or any military service for which they may be found competent, meant and intended that other labor and military service should be of the same general character, nature, and quality as that which it had previously in the statute specially named and designated. “Always in statutes,” says Coke, “relation shall be made according to the matter precedent.” Dwarries says, “Sometimes words and sections are governed and explained by conjoined words and clauses; *noscitur a socio*.” (Dwarries on Statutes, 604.)

Applying these rules of construction, then, to the act before me, I am constrained to hold that if the authority to enlist and muster into the military service soldiers of African descent depended upon that statute (as it does not), it would furnish no foundation for such authority. It is manifest that the labor and service that U. S. soldiers are enlisted to perform are of an essentially different character from, and are essentially of a higher nature, order, and quality than those kinds of labor and service specially named in the statute and for the performance of which the President is specially authorized to employ “persons of African descent.” In my late opinion in the case of the claim of Rev. Samuel Harrison for full pay as chaplain of the Fifty-fourth Regiment of Massachusetts Volunteers, I expressed the same view when I said that the act of July 17, 1862, chapter 201, “was not intended either to authorize the employment or to fix the pay of any persons of African descent, except those who might be needed to perform the humbler offices of labor and service for which they may be found competent.”

This view finds confirmation in a statute that received approval of the President on the same day as the act before me—the statute of July 17, 1862, chapter 195 (12 Stat., 592), which conferred on the President authority to employ as many persons of African descent as he might deem necessary and proper for the suppression of the rebellion, and gave him power to organize and use them in such

manner as he might judge best for the public welfare. In these words we may find clear and simple authority for the enlistment of persons of African descent as U. S. soldiers. It is under this act, if under either of the acts of July 17, 1862, that colored volunteer soldiers may be said to have been employed. There is no need to resort, therefore, to the statute of July 17, 1862, chapter 201, for any authority with respect to their employment, or for any rule in regard to their compensation. Persons of African descent employed as soldiers are not embraced at all, as I have shown by the act of July 17, 1862, chapter 201, as objects or subjects of legislation; and we must therefore look to some other law for the measure of their compensation.

I find the law for the compensation of the persons of color referred to in your letter to me in the act of Congress in force at the dates of the enlistments of those persons, respecting the amount of pay and bounty to be given, and the amount and kind of clothing to be allowed to soldiers in the volunteer forces of the United States. For after a careful and critical examination, I believe, of every statute enacted since the foundation of the present Government relative to the enlistment of soldiers in the regular and volunteer forces of the United States, I have found no law which at any time prohibited the enlistment of free colored men into either branch of the national military service. The words of Congress descriptive of the recruits competent to enter the service were, in the act of April 30, 1790, "able-bodied men not under five feet six inches in height without shoes, not under the age of eighteen nor above the age of forty-five;" in the act of March 3, 1795, "able-bodied of at least five feet six inches in height, and not under the age of eighteen nor above the age of forty-six years;" in the act of March 3, 1799, "able-bodied and of a size and age suitable for the public service according to the directions which the President of the United States shall and may establish;" in the act of March 16, 1802, "effective able-bodied citizens of the United States of at least five feet six inches high and between the ages of eighteen and forty-five years;" in the acts of December 24, 1811, January 11, 1812; January 20, 1813, and January 27, 1814, "effective able-bodied men;" in the act of December 10, 1814, "free effective able-bodied men, between the ages of eighteen and forty-five years;" and in the act of January 12, 1847, "able-bodied men." Some of the foregoing statutes are obsolete, others of them are still in force, and furnished, before the suspension of the writ of habeas corpus, the rule by which the validity of the enlistments of persons alleged to have been minors was every day tried in the State and Federal courts. They organized the military establishments of the United States in time of peace and in time of war. They embrace the periods of all the wars, previously to the present, in which the United States has been engaged. By no one of them was or is the enlistment of free colored men into the military service of the United States, whether as volunteers or as regulars, prohibited.

After the war of 1812 claims for bounty and preferred by persons of color who had enlisted and served in the Army under the statutes of 24th December, 1811, January 11, 1812, and December 10, 1814, were sustained as valid by the then Attorney-General, William Wirt (1 Opin., 603); and when I turn to more recent statutes, those which authorized the raising and regulate the organization of the whole body of the volunteer forces now in the field and provided for the maintenance and increase of the regular forces in the service, I dis-

cover throughout them no other statutory qualifications for recruits than those established by the earliest legislation to which I have referred. It is not needed that I should specially recite the words of those acts of Congress that provide for the pay, bounty, and clothing to be allowed to soldiers in the volunteer military service of the United States. It is enough to say that under the statutes relative to those subjects and in force during the period of time mentioned in your communication, all volunteers competent and qualified to be members of the national forces are entitled, respectively, to receive like amounts of pay, bounty, and clothing from the Government.

In view, therefore, of the foregoing considerations, I give it to you unhesitatingly as my opinion that the same pay, bounty, and clothing are allowed by law to the persons of color referred to in your communication, and who were enlisted and mustered into the military service of the United States between the month of December, 1862, and the 16th of June, 1864, as are, by the laws existing at the times of the enlistments of said persons, authorized and provided for and allowed to other soldiers in the volunteer forces of the United States of like arms of the service.

I have the honor to be, very respectfully, your obedient servant,
EDW. BATES,
Attorney-General.

[First indorsement.]

JULY 14, 1864.

Opinion of Attorney-General as to pay of colored soldiers.
Submitted to the Secretary of War.

A. LINCOLN.

[Second indorsement.]

Received July 15, and referred to the Adjutant-General, with instructions to direct the Paymaster-General to pay the colored troops in the service of the United States in accordance with the within determination of the Attorney-General.

EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, July 14, 1864.

Ordered: That the hours of labor of the clerks in the different bureaus of the War Department shall be reduced to the extent of one hour daily, which time shall be devoted to military drill under the general direction of Brigadier-General Fry.

The Adjutant-General will address to the heads of other Executive Departments a request that a similar regulation be made regarding their clerks. The Chief of Ordnance will furnish arms for the use of the clerks of any bureau on requisition of the head of such bureau, approved by the head of the Department to which the bureau belongs.

EDWIN M. STANTON,
Secretary of War.

[JULY 14, 1864.—For Stockton to Wallace, transmitting proclamation of Governor of New Jersey calling out troops for thirty days' service in Pennsylvania, Maryland, and District of Columbia, see Series I, Vol. XXXVII, Part II, p. 325.]

COLUMBUS, *July 14, 1864—3.30 p. m.*

Hon. E. M. STANTON,
Secretary of War:

Has the Department made any regulations for recruiting in rebel States under the recent act of Congress? There is great pressure of men to go for this purpose. By whom shall passes be given through the lines, and have army officers been instructed how to govern agents engaged in this business?

JOHN BROUGH,
Governor.

COLUMBUS, OHIO, *July 14, 1864.*

Hon. E. M. STANTON,
Secretary of War:

Has the call for additional troops been issued? If not, how soon will it be done, and what the number? Can I organize a regiment exclusively of representative recruits, to be officered by men from old regiments? If so, will orders be given to provost-marshals to forward such recruits to such camps as I may designate? I think I can raise such a regiment promptly. I hope you have been comfortable in your recent isolation from the rest of mankind.

JNO. BROUGH.

WAR DEPARTMENT,
Washington City, July 14, 1864.

Governor BROUGH,
Columbus, Ohio:

Regulations are being prepared for recruiting in the rebel States, which will be communicated to you as soon as possible. General Sherman objects to admitting State recruiting agents within his lines, and the field for recruiting is nearly all within his command. The Provost-Marshal-General is preparing regulations for the new call. I will instruct him to conform as near as may be with your wishes. The most comfortable time in Washington since the war began was while we were isolated from the rest of mankind.

EDWIN M. STANTON,
Secretary of War.

COLUMBUS, OHIO, *July 14, 1864.*

Hon. E. M. STANTON,
Secretary of War:

By an account current furnished from the Provost-Marshal-General's Office up to May 30, it is shown that the State of Ohio has furnished over 10,000 men in excess of all calls made upon her to that time. This does not include the men furnished by the draft now progressing. As this draft was clearly not warranted by the state of facts, and as its progress is creating much excitement in the State, I requested the assistant provost-marshal to suspend it until the Department could be communicated with, which he has done. I ask that he be directed to suspend further operations under it, as the State is now in excess of calls fully 12,000 men.

JNO. BROUGH,
Governor.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
Columbus, January [July] 14, 1864.

Hon. E. M. STANTON,

Secretary of War, Washington City, D. C.:

SIR: I telegraphed you to-day that an account had been furnished us of credits by General Fry up to May 30, showing this State to be in excess of all calls over 10,000 men. This does not include about 1,500 veterans yet to be credited, about 1,200 men in the naval service, nor the men raised by the draft now progressing in the State, which will amount to some 2,000, making our excess over calls some 15,000 men. The third section of the draft is now going on to supply the places of men heretofore drafted, who have not responded or left the State after notice.

This feature of the draft has created great excitement and dissatisfaction in the State, and in view of our large excess I yesterday requested Colonel Potter to suspend further operations under this branch of the draft until communication could be had with the Department, which he consented to do. If there is no mistake in the computation, this whole draft has been irregular; but waiving that for the present (and I have not permitted any publication of the facts), it seems to me that further progress under the draft, and upon the most disturbing feature of it, may properly be suspended. I hope you will concur with me in this view of the case.

This excess of quota brings out another important feature. It appears that instead of a deficit we were actually 10,000 in excess at the time the National Guard was placed in the field. While we waive credit for them on any calls, it is proper to present the fact that in this draft, made to cover a deficit that did not exist, a large number of these men have been drafted and are liable, on their return from present service, to be called upon to respond to this draft. Under the circumstances, should this be so? I think not. It may be troublesome, perhaps, to disturb this draft, but is it not proper and practicable to specially order that, in consideration of the promptitude of these men in responding to the call upon them and the valuable service they have rendered, those of them who have been drafted shall be relieved from responding thereto? This would be a great relief to the men at a most opportune period, and would be hailed with gratification by the great body of their friends throughout the State. The effect in every way would be good, both as to raising more men and in its political influence, especially if taken by the men as a recognition of meritorious services.

I earnestly urge this matter upon your careful attention. If our quota had not been full I would not have claimed it, but under the state of facts now presented I respectfully urge it as a measure alike of justice and policy.

Very respectfully,

JNO. BROUGH.

I inclose you copy of the account current furnished by General Fry.

[Inclosure.]

The State of Ohio in account with the United States.

Dr.			Cr.
To quota on call of 1861.....	61,305	By men furnished under call of 1861..	70,561
To quota on call of July 2, 1862.....	36,858	By men furnished under call of July 2, 1862.	42,031
To quota on call for 300,000 nine-months' men, 30,858, reduced to three-years' standard.	9,214	By recruits for all arms, 1861, and 1862.	15,505
To quota on call of 1st of February, 1864, for 500,000.	51,465	By 1 regiment in 1861, for 12 months, reduced to three-years' standard.	288
To quota on call of 14th of March, 1864, for 200,000.	20,585	By men furnished from 26th of May to 31st of December, 1863.	10,472
		By men furnished from 1st to 31st of January, 1864.	5,111
Excess over all calls on 1st of May, 1864	185,497	By men furnished from 1st to 20th of February, 1864.	11,254
	10,949	By men furnished from 1st to 31st of March, 1864.	6,151
		By re-enlisted veterans to 15th of April, 1864.	18,320
		By colored troops from 1st to 15th of April, 1864.	67
		By men furnished from 1st to 30th of April, 1864.	1,447
		By summa in U. S. naval service to 1st of May, 1864.	123
	190,440		190,440

EXECUTIVE MANSION,
Washington, July 15, 1864.

Hon. HORACE GREELEY,
New York:

I suppose you received my letter of the 9th. I have just received yours of the 13th,* and am disappointed by it. I was not expecting you to send me a letter, but to bring me a man or men. Mr. May goes to you with my answer to yours of the 13th.

A. LINCOLN.

EXECUTIVE MANSION,
Washington, July 15, 1864.

Hon. HORACE GREELEY:

MY DEAR SIR: Yours of the 13th* is just received, and I am disappointed that you have not already reached here with those commissioners, if they would consent to come on being shown my letter to you of the 9th instant. Show that and this to them, and if they will come on the terms stated in the former, bring them. I not only intend a sincere effort for peace, but I intend that you shall be a personal witness that it is made.

Yours, truly,

A. LINCOLN.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 15, 1864.

PAYMASTER-GENERAL U. S. ARMY:

SIR: I inclose herewith a copy of an opinion of the Attorney-General dated July 14, 1864,† as to the rates of pay to be allowed colored troops.

The Secretary of War directs that the colored troops in the service of the United States be paid in accordance with the determination of the Attorney-General.

I am, sir, &c.,

E. D. TOWNSEND,
Assistant Adjutant-General.

* Not found.

† See p. 490.

Indorsement on communication from U. S. consul at Aix la Chapelle relating to Congreve rocket batteries.

ORDNANCE OFFICE,
July 15, 1864.

Respectfully returned to the Secretary of War.

Experience with rocket batteries during this war is not at all favorable to their usefulness. The same number of men and horses can produce more effect with the improved cannon and projectiles now used. Rockets have but little range and accuracy compared to rifled projectiles, and are liable at times to premature explosions and great eccentricity of flight. This department has no assurance that these rocket batteries have been tested in actual service, or that they possess the necessary requisites. I cannot, therefore, recommend their purchase. It may be worthy of remark that most of the foreign offers to this department convey the idea that the rebels are always in the field to purchase, but that preference is given to the United States Government. The desire to find purchasers is, I fear, not always promotive of such disinterested zeal.

GEO. D. RAMSAY,
Brigadier-General and Chief of Ordnance.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 15, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: Your order of July 14 that the clerks in the different bureaus of the War Department shall be organized and drilled under my general direction is received. To give a character of permanence and efficiency to this organization and to make it of some interest to the clerks and to set an example that may be followed by the other departments of the Government, I recommend as follows, in addition to what you have already ordered:

First. That it be authorized to establish a suitable armory for the force to be organized, to be as near the War Department as possible, and the Quartermaster's Department to pay the expense.

Second. That a suit of uniform complete be issued by the Quartermaster's Department, on my requisition, for every man enrolling in the command or who may hereafter be enrolled.

Third. That hereafter the name of every clerk who may be employed in any bureau of the War Department shall be immediately reported to me by the chief of the bureau for assignment to a company of this force, and that when any clerk resigns or is discharged the fact shall be reported to me and he shall not be paid until he has accounted for the army uniforms, &c., issued to him as a member of this organization.

I am, sir, very respectfully, your obedient servant,

J. B. FRY,
Provost-Marshal-General.

AUGUSTA, ME., July 15, 1864.

Hon. E. M. STANTON:

As soon as intelligence was received that the rebels had crossed the Potomac, and that Washington and Baltimore were menaced, I

applied to Major-General Dix to know if volunteers for 100 days would be received. I issued a proclamation to the people of Maine, appealing to them to come up to the help of the Nation, a copy of which is forwarded by mail.* I now apply to you to be informed if such volunteers will be accepted and mustered into the service of the United States, to be employed for the defense of Washington and the loyal States, meaning Maryland and Pennsylvania. We have no State military organization; therefore what we do has got to be done by volunteering. If you accept soldiers from this State for the time and purpose indicated, an equitable allowance will, of course, be made on the quota of the State upon any future call.

SAML. CONY,
Governor.

WAR DEPARTMENT,
Washington City, July 15, 1864.

Governor CONY,
Augusta, Me.:

Your telegram of this date just received. Please accept the thanks of the Department for your prompt and energetic action. The enemy retreated from Washington Tuesday night and are returning to Virginia. Whether they have abandoned their enterprise, or only fallen back to await re-enforcements from Richmond, reported to be advancing, is yet uncertain. General Wright is pursuing them. It is the design of the President to make a call for twelve-months' men immediately, and as a call for 100-days' men might interfere much in the raising of volunteers for a year, it may not be expedient to call for the shorter term except in case of extreme necessity. The movements of our own forces and of the enemy will probably be sufficiently developed within twenty-four hours to enable me to give you a definite answer. In the meantime it would be well to suspend any action in raising men for the short term of 100 days. If any have been already raised they will be accepted.

EDWIN M. STANTON,
Secretary of War.

AUGUSTA, ME., July 15, 1864.

Hon. E. M. STANTON:

The U. S. consul at Saint Johns telegraphs me that a small raiding party left that place to commit depredations on the frontier of Maine on Wednesday night. Cannot the officers in charge of fortification on our coast be authorized to man at least a part of the forts at Portland, and batteries elsewhere, with men of the Invalid Corps in this State?

SAML. CONY,
Governor of Maine.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 15, 1864.

Maj. J. W. T. GARDINER,
Acting Assistant Provost-Marshal-General, Augusta, Me.:

Confer with Governor Cony and then give such orders as may be necessary to make troops of Veteran Reserve Corps in your State a

*See p. 488.

nseful as possible in manning forts at Portland and elsewhere during the emergency, which the Governor will explain. Report your action.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 15, 1864.

His Excellency JOHN A. ANDREW,
Governor of Massachusetts, Boston, Mass.:

SIR: I have the honor to acknowledge the receipt of your letter of July 13, 1864, to the Honorable Secretary of War stating that citizens of Massachusetts are now recruiting a large number of aliens, and desire to put in some of them as substitutes for persons enrolled in anticipation of the next call, and asking that the orders of the War Department in reference to the assignment of substitutes to regiments be so far modified as to permit them to select their regiments. In reply I have to inform you:

First. That by existing orders aliens not subject to draft who voluntarily offer themselves for substitutes will be accepted as substitutes if physically qualified.

Second. That the existing orders are hereby so far modified as to permit alien substitutes to select their regiments, their selection being limited, however, to such regiments as the acting assistant provost-marshal-general of the State may designate as suitable for recruitment in this manner.

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
July 15, 1864.

ADJUTANT-GENERAL OF MISSOURI,
Saint Louis, Mo.:

SIR: I have the honor to acknowledge the receipt of your letter dated March 26, 1864, addressed to Maj. Gen. F. P. Blair, relative to crediting certain residents of Missouri who have enlisted in Kansas regiments to the first mentioned State. In reply I am directed to inform you that the claim is one that must be adjusted between the State authorities of Kansas and Missouri. The Department cannot take direct action in the matter, but any adjustment between the States concerned will receive careful consideration. The plan of adjustment might be the same as that adopted some time since by the States of Illinois and Missouri through their respective Governors.

I am, sir, very respectfully, your obedient servant,

THOMAS M. VINCENT,
Assistant Adjutant-General.

COLUMBUS, OHIO, *July 15, 1864.*

Hon. E. M. STANTON,
Secretary of War:

Please answer my dispatches about suspension of the draft in Ohio and the organization of a regiment of representative recruits.

JOHN BROUGH.

COLUMBUS, July 15, 1864.

General J. B. Fry,
Provost-Marshal-General:

At the request of the Governor of Ohio I have suspended action on supplementary draft until a decision can be obtained from the War Department. Governor Brough claims that Ohio has an excess over all calls and further draft there illegal. Please instruct.

J. H. POTTER,

Colonel and Actg. Asst. Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
 No. 230. } Washington, July 16, 1864.

I. Col. William M. Dunn, assistant judge-advocate-general, will take post at Louisville, Ky., at which place the office of assistant judge-advocate-general is hereby established.

All records of courts-martial and military commissions, which are required by regulations to be forwarded to the Judge-Advocate-General, will be sent, by officers ordering such courts or commissions, within the military departments of the Ohio, the Tennessee, the Cumberland, the Missouri, Arkansas, and Kansas, to the assistant judge-advocate-general, at Louisville.

With reference to records of courts and commissions, it will be the duty of the assistant judge-advocate-general to call for such as are not forwarded in due season, to examine them, to return for correction such as are incomplete, and to give immediate notice of fatal defects to the proper commander, that sentences may not be illegally executed. He will forward all complete records to the Judge-Advocate-General, but will not be expected to prepare reports on them unless specially instructed to that effect by the Judge-Advocate-General.

II. The assistant judge-advocate-general will be allowed the number of rooms as office, and fuel therefor, assigned to an assistant quartermaster-general in paragraph 1068, General Regulations.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

NEW YORK, July 16, 1864—9 a. m.
 (Received 9.30 a. m.)

His Excellency A. LINCOLN,
President of the United States:

Arrived this morning at 6 a. m. and delivered your letter few minutes after. Although he thinks some one less known would create less excitement and be less embarrassed by public curiosity, still he will start immediately if he can have an absolute safe-conduct for four persons, to be named by him. Your letter he does not think will guard them from arrest, and with only those letters he would have to explain the whole matter to any officer who might choose to hinder them. If this meets with your approbation I can write the order in your name as assistant adjutant-general or you can send it by mail. Please answer me at Astor House.

JOHN HAY,
Assistant Adjutant-General.

EXECUTIVE MANSION,
Washington, July 16, 1864—10.30 a. m.

JOHN HAY,
Astor House, New York:

Yours received. Write the safe-conduct, as you propose, without waiting for one by mail from me. If there is or is not anything in the affair, I wish to know it without unnecessary delay.

A. LINCOLN.

EXECUTIVE MANSION,
Washington, D. C., July 16, 1864.

The President of the United States directs that the four persons whose names follow—to wit: Hon. Clement C. Clay, Hon. Jacob Thompson, Prof. James P. Holcombe, George N. Sanders—shall have safe-conduct to the city of Washington in company with the Hon. Horace Greeley, and shall be exempt from arrest or annoyance of any kind from any officer of the United States during their journey to the said city of Washington.

By order of the President:

JOHN HAY,
Major and Assistant Adjutant-General.

LOUISVILLE, KY., July 16, 1864.

Hon. EDWIN M. STANTON,
Secretary of War:

SIR: I returned to this place this morning, having visited Cincinnati, Saint Louis, and Paducah. Finding General Ewing authorized to raise a colored regiment in Saint Louis, I transferred the few men of the Seventy-second to Colonel Ewing's regiment and ordered the officers to Covington, there to raise a regiment. Two or perhaps three regiments may yet be raised in Missouri, but not without strong armed parties to pass through the country to give protection. For this purpose General Roscerus urges me to send him a colored regiment from Kentucky, which I propose doing as soon as General Birbridge can spare one. The latter officer requires 10,000 colored troops in the State. At Paducah I found but about 1,200 men, and that nothing had recently been done in the way of recruiting because arms could not be obtained. I was surprised at this, for this position is liable to attack at any time. It seems the Ordnance Department will not issue arms until a regiment is entirely organized and the colonel makes a requisition. This will not answer here, for recruiting, to be fully successful, must be done with strong armed parties passing through the counties containing the most negroes. The negroes, seeing that protection will be offered them, will rapidly join the troops. I have taken measures to at once furnish this regiment (a very fine one) with Enfield rifles from Saint Louis. As soon as they are received 500 men will be sent through the entire First Congressional District.

I found at this place, as at Camp Nelson, a number of old men, women, and children, which I decided should be sent to their homes, as in this State, where slavery exists, I am only authorized under the law to take the able-bodied men for soldiers. They, too, are needed

to secure the crops, which we shall certainly require for the army. Colonel Barry, I have just learned, refuses to send off the persons—I suppose under the idea that by so doing he would be violating the Articles of War prohibiting the rendition of fugitives. If he was in any other State he could not give Kentucky negroes up, but here in this State I conceive we should not take any but the able-bodied men. I would like to be informed if I am right in the position I have taken. Two regiments have been fully organized here—one General Burbridge has sent to Louisville; the second was completed to-day; a third has been commenced. We ought to get from 18,000 to 20,000 men in this State. I shall proceed to Lexington on Monday, the 18th instant.

I am, sir, very respectfully, your obedient servant,
L. THOMAS,
Adjutant-General.

SPECIAL ORDERS, }
No. 126. }

LOUISVILLE, KY.,
July 16, 1864.

I. Brig. Gen. W. A. Pile, U. S. Volunteers, is relieved from his present duty as superintendent of the organization of colored troops in Missouri, and will report in person to Maj. Gen. E. R. S. Canby, commanding Military Division of West Mississippi, for assignment. Capt. Edward Hemenway, Sixty-seventh Regiment U. S. Colored Infantry, will accompany General Pile in the capacity of acting assistant adjutant-general.

II. Brig. Gen. Thomas Ewing, jr., U. S. Volunteers, is hereby charged with the duty of superintending the organization of colored troops in Missouri.

* * * * *

IV. The detachment of enlisted men now at Benton Barracks, Mo., belonging to the Seventy-second Regiment U. S. Colored Infantry, are hereby transferred to the Eighteenth U. S. Colored Infantry, and recruiting for the first-named regiment will cease in the State of Missouri.

V. The officers already appointed in the Seventy-second Regiment U. S. Colored Infantry will proceed without delay to Covington, Ky., for the purpose of organizing the regiment. The senior officer will report in person to the commanding officer at that post, and in writing to Bvt. Maj. Gen. S. G. Burbridge, at Lexington, Ky.

* * * * *

By order of the Secretary of War:

L. THOMAS,
Adjutant-General.

NEW YORK, *July 16, 1864.*
(Received 2.30 p. m.)

Hon. E. M. STANTON:

I have several regiments of militia ready for muster under the call for 100 days. They are about 500 each regiment. The mustering officers decline to take them unless 800. Now, our State by the U. S. laws is authorized to organize their militia, and the usage since the war commenced has been to muster militia regiments according to our State organization. Will you oblige me by an order to that effect?

CHAS. W. SANDFORD,
Major-General, 5 Tryon Row.

WAR DEPARTMENT,
Washington City, July 16, 1864.

Major-General SANDFORD,
New York:

Your telegram just received, and instructions given to muster in your regiments as requested.

EDWIN M. STANTON,
Secretary of War.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 16, 1864.

Cel. J. H. POTTER,
Actg. Asst. Provost-Marshal-General, Columbus, Ohio:

There is no illegality whatever in the draft for deficiency in sub-districts, whether the State is ahead or not. You can readily perceive this by reading the law. I regret that the Governor should raise such a point to prevent the completion of a draft which was commenced at his earnest solicitation. As you have suspended the draft, it is best that your orders on the subject should stand, and I therefore confirm them. Have the accounts closed up with a view to a correct settlement for future quotas.

JAMES B. FRY,
Provost-Marshal-General.

HARRISBURG, July 16, 1864.

General J. B. FRY,
Provost-Marshal-General:

Colonel Todd will be in Washington on Monday or Tuesday to compare the account kept here with yours of men furnished by Pennsylvania. Whatever may be the result, it is better that a question so delicate should be definitely settled, and I ask that no further proceeding be had until he arrives.

A. G. CURTIN.

SAINT JOHNS, N. B., July 16, 1864.

F. W. SEWARD,
Assistant Secretary:

Governor Cony has already overrated importance of rebel demonstration from New Brunswick. There are no vessels whatever, and less than a score of men. A Union man with party will give due notice of all danger.

J. Q. HOWARD,
U. S. Consul.

[JULY 18, 1864.—For Lincoln to Sherman, relating to latter's objections to opening recruiting stations near his camps, see Series I, Vol. XXXVIII, Part V, p. 169.]

EXECUTIVE MANSION,
Washington, July 18, 1864.

TO WHOM IT MAY CONCERN:

Any proposition which embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which

comes by and with an authority that can control the armies now at war against the United States, will be received and considered by the Executive Government of the United States, and will be met by liberal terms on other substantial and collateral points, and the bearer or bearers thereof shall have safe-conduct both ways.

ABRAHAM LINCOLN.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 231. } Washington, July 18, 1864.

The following acts and resolutions of Congress are published for the information of all concerned:

* * * * *

I. PUBLIC—No. 180.

AN ACT making appropriations for the construction, preservation, and repairs of certain fortifications and other works of defense, for the year ending the thirtieth of June, eighteen hundred and sixty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction, preservation, and repairs of certain fortifications, and other works of defense, for the year ending the thirtieth of June, eighteen hundred and sixty-five:

For Fort Montgomery, at outlet of Lake Champlain, New York, fifty thousand dollars.

For Fort Knox, at Narrows of Penobscot River, Maine, one hundred thousand dollars.

For fort at entrance of Kennebec River (Fort Popham), Maine, one hundred thousand dollars.

For fort on Hog Island Ledge (Fort Gorges), Portland Harbor, Maine, one hundred and fifty thousand dollars.

For Fort Preble, Portland Harbor, Maine, one hundred and fifty thousand dollars.

For Fort Scammel, Portland Harbor, Maine, one hundred thousand dollars.

For new Fort Constitution, Portsmouth Harbor, New Hampshire, one hundred thousand dollars.

For Fort McClary, Portsmouth Harbor, New Hampshire, fifty thousand dollars.

For Fort Winthrop, Governor's Island, Boston Harbor, Massachusetts, fifty thousand dollars.

For Fort Warren, Boston Harbor, Massachusetts, twenty thousand dollars.

For sea-wall of Great Brewster's Island, forty thousand dollars.

For repair of sea-walls on Deer and on Lovell's Islands, ten thousand dollars.

For permanent forts at New Bedford Harbor, Massachusetts, one hundred thousand dollars.

For Fort Schuyler, East River, New York, twenty-five thousand dollars.

For fort at Willets Point, opposite Fort Schuyler, New York, one hundred and fifty thousand dollars.

For repairs of Fort Columbus, Castle Williams, South Battery, Fort Wood, and Fort Gibson, New York Harbor, one hundred thousand dollars.

For new battery near Fort Hamilton, at the Narrows, New York, seventy-five thousand dollars.

For Fort Richmond, Staten Island, New York, twenty thousand dollars.

For fort on site of Fort Tompkins, Staten Island, New York, one hundred and fifty thousand dollars.

For casemated battery on Staten Island, New York, seventy-five thousand dollars.

For repairs and completion of sea-wall at Buffalo, thirty-seven thousand five hundred dollars.

For fort at Sandy Hook, New Jersey, one hundred and twenty-five thousand dollars.

For Fort Mifflin, near Philadelphia, Pennsylvania, twenty thousand dollars.

For permanent work for Delaware Breakwater Harbor, one hundred thousand dollars.

For Fort Carroll, Baltimore Harbor, Maryland, one hundred thousand dollars.
 For Fort Monroe, Hampton Roads, Virginia, fifty thousand dollars.
 For Fort Wool, Hampton Roads, Virginia, two hundred thousand dollars.
 For Fort Clinch, entrance to Cumberland Sound, Florida, one hundred thousand dollars.
 For fort at Ship Island, coast of Mississippi, one hundred thousand dollars.
 For fort at Fort Point, San Francisco Bay, California, fifty thousand dollars.
 For fort at Alcatraz Island, San Francisco Bay, California, ninety thousand dollars.
 For land defenses at San Francisco, one hundred and seventy-seven thousand dollars; *Provided*, That no portion of the same shall be expended on other fortifications now in progress there.
 For defenses in Oregon and in Washington Territory at or near the mouth of Columbia River, one hundred thousand dollars.
 For repairs and alterations of barracks, quarters, hospitals, store-rooms, and fences at permanent forts not occupied by troops, fifty thousand dollars.
 For construction of permanent platforms for modern cannon of large caliber in existing fortifications of important harbors, one hundred and thirty thousand dollars.
 For tool and siege trains for armies in the field, two hundred thousand dollars.
 For bridge trains and equipage for armies in the field, five hundred thousand dollars.
 For contingencies of fortifications, including field-works and field operations, seven hundred thousand dollars.
 For providing obstructions to be moored in the Potomac River, to render the shore batteries more efficient for the protection of Washington against maritime attack, three hundred thousand dollars.
 For completing and rendering more permanent the defenses of Washington, three hundred thousand dollars.
 For surveys of the northern and northwestern lakes, including Lake Superior, one hundred thousand dollars.
 For engraving and printing chart of lake surveys, ten thousand dollars.
 For purchase and repair of instruments, fifteen thousand dollars.
 For surveys for military defenses, and for purchase of campaign maps, manuscript notes, and maps of surveys of railroads and canals, one hundred and fifty thousand dollars.
 Approved July 2, 1864.

II. PUBLIC—No. 184.

AN ACT to provide for the more speedy punishment of guerrilla marauders, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the twenty-first section of an act entitled "An act for enrolling and calling out the national forces, and for other purposes," approved third March, eighteen hundred and sixty-three, shall apply as well to the sentences of military commissions as to those of courts-martial; and hereafter the commanding general in the field, or the commander of the department, as the case may be, shall have power to carry into execution all sentences against guerrilla marauders for robbery, arson, burglary, rape, assault with intent to commit rape, and for violation of the laws and customs of war, as well as sentences against spies, mutineers, deserters, and murderers.

SEC. 2. *And be it further enacted*, That every officer authorized to order a general court-martial shall have power to pardon or mitigate any punishment ordered by such court, including that of confinement in the penitentiary, except the sentence of death, or of cashiering or dismissing an officer, which sentences it shall be competent during the continuance of the present rebellion for the general commanding the army in the field, or the department commander, as the case may be, to remit or mitigate; and the fifth section of the act approved July seventeenth, eighteen hundred and sixty-two, chapter two hundred and one, be, and the same is hereby, repealed, so far as it relates to sentences of imprisonment in the penitentiary.

SEC. 3. *And be it further enacted*, That when a soldier sick in hospital shall have been discharged, or shall be discharged, from the military service, but shall be unable to leave or to avail himself of his discharge in consequence of sickness or wounds, and shall subsequently die in such hospital, he shall be deemed to have died in the military service, so far as relates to bounties.

Approved July 2, 1864.

III. PUBLIC—No. 206.

AN ACT supplementary to an act entitled "An act to grant pensions," approved July fourteen, eighteen hundred and sixty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the biennial examinations of pensioners required by an act approved March three, eighteen hundred and fifty-nine, may be made by one surgeon only, provided he is a surgeon of the Army or Navy, or an examining surgeon duly appointed by the Commissioner of Pensions; nor shall the biennial certificate of two unappointed civil surgeons be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

SEC. 2. *And be it further enacted,* That all fees paid to examining surgeons for biennial examinations, or for examinations especially ordered, as provided by the eighth section of the act to grant pensions, approved July fourteenth, eighteen hundred and sixty-two, shall be refunded by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 3. *And be it further enacted,* That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer being hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided,* That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such a court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken.

SEC. 4. *And be it further enacted,* That section twelve of the act to grant pensions, approved July fourteen, eighteen hundred and sixty-two, is hereby repealed. And the Commissioner of Pensions is authorized and empowered to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government through the Pension Office, and to aid in prosecuting any persons so offending, with such additional compensation as is customary in cases of special service.

SEC. 5. *And be it further enacted,* That all persons now by law entitled to a less pension than hereafter specified, who shall have lost both feet in the military service of the United States and in the line of duty, shall be entitled to a pension of twenty dollars per month; and those who, under the same conditions, have lost both hands or both eyes, shall be entitled to a pension of twenty-five dollars per month.

SEC. 6. *And be it further enacted,* That no pension claim now on file, unless prosecuted to a successful issue within three years from the passage of this act, and no claim hereafter filed, not thus prosecuted to a successful issue within five years from the date of such filing, shall be admitted without satisfactory record evidence from the War Department to establish the same; and in every case in which a claim for pension shall have been filed for more than three years after the discharge or decease of the party on whose account the claim is made, the pension, if allowed, shall commence from the date of filing the last paper in said case by the party prosecuting the same.

SEC. 7. *And be it further enacted,* That on the remarriage of any widow receiving a pension, such pension shall terminate, and shall not be renewed should she again become a widow.

SEC. 8. *And be it further enacted,* That examining surgeons, duly appointed by the Commissioner of Pensions, may be required by him, from time to time, as he shall deem for the interests of the Government, to make special examinations of pensioners on the rolls of their respective districts, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by any examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination as aforesaid, and the decision of such board shall be final on the question so submitted thereto. The compensation of all such surgeons shall not exceed that which has been customarily allowed in such cases, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

SEC. 9. *And be it further enacted,* That those persons, not enlisted soldiers in the Army, who volunteered for the time being to serve with any regularly organized

military or naval force of the United States, or where persons otherwise volunteered and rendered service in any engagement with rebels or Indians since the fourth day of March, eighteen hundred and sixty-one, shall, if they have been disabled in consequence of wounds received in battle in such temporary service, be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service; and the widows or other dependents of any such persons as may have been killed in the temporary service aforesaid shall be entitled to pensions in the same manner as they would have been had such persons been regularly mustered: *Provided*, That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act. All such claims shall be adjudicated under such special rules and regulations as the Commissioner of Pensions may prescribe most effectually to guard against frauds.

SEC. 10. *And be it further enacted*, That if any person entitled to an invalid pension under the provisions of the act granting pensions, approved July fourteenth, eighteen hundred and sixty-two, has died or shall hereafter die while an application for such pension is pending, and having a widow or dependent relative entitled to receive a pension by reason of his service and death, as provided in said act, then the pension to such widow or other person shall commence from the date at which the decedent's invalid pension would have commenced had he survived, subject to the conditions of this act and the act to which this is amendatory.

SEC. 11. *And be it further enacted*, That all enlisted soldiers in the Army who shall have become disabled in the service, whether they shall have been regularly mustered in or not, shall be entitled to the same benefits of the pension laws as those who have been regularly mustered into the United States service; and the widows or other dependents entitled to pension by law, as prescribed by the act of July fourteen, eighteen hundred and sixty-two, of any such soldier who may have been killed, or shall have died, or shall hereafter die, by reason of any wound received or disease contracted while in said service and in the line of duty, shall be entitled to the same pension as though such soldier had been regularly mustered into the service.

SEC. 12. *And be it further enacted*, That the fees of agents and attorneys for making out and causing to be executed the papers necessary to establish a claim for a pension bounty, and other allowance before the Pension Office, under this act, shall not exceed the following rates: For making out and causing to be duly executed a declaration by the applicant, with the necessary affidavits, and forwarding the same to the Pension Office, with the requisite correspondence, ten dollars; which sum shall be received by such agent or attorney in full for all services in obtaining such pension, and shall not be demanded or received in whole or in part until such pension shall be obtained; and the sixth and seventh sections of an act entitled "An act to grant pensions," approved July [fourteenth], eighteen hundred and sixty-two, are hereby repealed.

SEC. 13. *And be it further enacted*, That any agent or attorney who shall, directly or indirectly, demand or receive any greater compensation for his services under this act than is prescribed in the preceding section of this act, or who shall contract or agree to prosecute any claim for a pension, bounty, or other allowance under this act, on the condition that he shall receive a per centum upon any portion of the amount of such claim, or who shall wrongfully withhold from a pensioner or other claimant the whole or any part of the pension or claim allowed and due to such pensioner or claimant, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall, for every such offense, be fined not exceeding three hundred dollars, or imprisoned at hard labor not exceeding two years, or both, according to the circumstances and aggravations of the offense.

SEC. 14. *And be it further enacted*, That the widows and children of colored soldiers who have been, or who may be hereafter, killed, or who have died or may hereafter die of wounds received in battle, or who have died or may hereafter die of disease contracted in the military service of the United States, and in the line of duty, shall be entitled to receive the pensions now provided by law, without other proof of marriage than that the parties had habitually recognized each other as man and wife, and lived together as such for a definite period next preceding the soldier's enlistment, not less than two years, to be shown by the affidavits of credible witnesses: *Provided, however*, That such widow and children are free persons: *Provided further*, That if such parties resided in any State in which their marriage may have been legally solemnized, the usual evidence shall be required.

SEC. 15. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved July 4, 1864.

IV. PUBLIC—No. 212.

AN ACT to provide for the better organization of the Quartermaster's Department.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the office of the Quartermaster-General of the Army, to exist during the present rebellion, and one year thereafter, the following divisions, each of which shall be placed in the charge of a competent officer of the Quartermaster's Department, to be assigned to such duty by the Secretary of War, who shall, under such rules as may be prescribed by the Quartermaster-General, with the approval of the Secretary of War, transact the business of such division as hereinafter provided, to wit:

The First Division shall have charge of the purchase, procurement, and disposition of horses and mules for cavalry, artillery, wagon and ambulance trains, and all other purposes for which horses or mules may be procured for the armies of the United States.

The Second Division shall have charge of the purchase, procurement, issue, and disposition of cloth and clothing, knapsacks, camp and garrison equipage, and all accoutrements of the soldier which are provided by the Quartermaster's Department.

The Third Division shall have charge of the purchase, charter, hire, and maintenance of all vessels to be used in the transportation of the Army, and of prisoners of war, and of their supplies on the ocean, and the bays and sounds connected therewith, and upon the northern and northwestern lakes, including all vessels propelled by steam or otherwise, owned or employed by the War Department, excepting river steam vessels and barges upon the Western rivers.

The Fourth Division shall have charge of the purchase, charter, hire, maintenance, and procurement of all transportation for the army, and its supplies by land and upon the Western rivers (other than transportation by animal power in the field, and at camps, garrisons, posts, depots, and stations), including all railroad and telegraph lines operated by the United States for military purposes, and of all steam rams and gun-boats owned or employed by the War Department upon the Western rivers, until other dispositions shall be made of them by competent authority.

The Fifth Division shall have charge of the purchase, procurement, issue, and disposition of forage and straw for the Army.

The Sixth Division shall have charge of the erection, procurement, maintenance, disposition, and so forth, of all barracks, hospital buildings, store-houses, stables, bridges (other than railroad bridges), wharves, and other structures composed in whole or in part of lumber, and of all lumber, nails, and hardware for building purposes; and of the hire and commutation of quarters for officers, the hire of quarters for troops, the hire of grounds for cantonments, or other military purposes, and the repair and care of all buildings and other structures herein mentioned, and of all grounds owned, hired, or occupied for military purposes, except such as are lawfully under the charge of other bureaus of the War Department; and of extra pay to soldiers employed in erecting barracks, or other fatigue duty, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four.

The Seventh Division shall have charge of the purchase, procurement, issue, and disposition of all wagons, ambulances, travelling forges and harness (except such as are furnished by the Ordnance Department), and of all hardware except as hereinbefore provided; and of all fuel for officers and enlisted men, camps, garrisons, hospitals, posts, store-houses, offices, public transports, steam rams, and army gun-boats, and of all transportation by animal power in the field, at camps, garrisons, posts, depots, and stations; and of the construction and repair of roads other than railroads; and of the compensation of wagon and forage masters, and of clerks to officers of the Quartermaster's Department; and of the purchase of heating and cooking stoves; and of the expenses of courts-martial, military commissions, and courts of inquiry; and of mileage and allowances to officers for the transportation of themselves and their baggage when traveling upon duty without troops, escorts, or supplies, and of supplies for prisoners of war and such refugees as the Secretary of War may direct to be temporarily provided for; and of the purchase of stationery, blanks, and blank books for the Quartermaster's Department; and of the printing of the division and department orders and reports; and of the proper and authorized expenses for the movements and operations of an army not expressly assigned to any other division or department.

The Eighth Division shall have charge of all inspections of the Quartermaster's Department, and of all reports made by officers assigned to inspection duty, analyzing and preserving the reports as received, and communicating, through

the Quartermaster-General, to the chiefs of the proper divisions, such portions of these reports as may be necessary for their information and use: *Provided*, That the officers assigned to inspection duty shall have power not only to report and to point out any errors or abuses which they may discover in the practical operations of the Quartermaster's Department, but to give, by order of the Quartermaster-General, the orders which may be immediately necessary to correct and to prevent a continuance of such abuses or errors: *Provided further*, That all such orders shall be immediately reported to the chief of the inspection division for the approval or otherwise of the Quartermaster-General.

The Ninth Division shall have charge of all the correspondence, returns, reports, and records received, filed, and preserved in the office of the Quartermaster-General, and of the transmission thereof to the several other divisions of this office and departments of the Government.

SEC. 2. *And be it further enacted*, That the heads of the several divisions above mentioned shall, under the direction of the Quartermaster-General, from time to time advertise for proposals for the supplies necessary for the movements and operations of the several armies, posts, detachments, garrisons, hospitals, and for other military purposes, in newspapers having general circulation in those parts of the country where such supplies can be most advantageously furnished, having regard also to the places where such supplies are to be delivered and used; and all such supplies so purchased or contracted for shall be subject to careful inspection; and all clothing and camp and garrison equipage shall be subject to a double inspection, first, as to the quality of the material, and second, as to the kind and character of the workmanship; which inspection shall in all cases be performed by a competent inspector, with suitable assistance, who shall have had ample experience in the inspection of cloth, clothing, knapsacks, camp and garrison equipage; and all payments for supplies so purchased shall be made under the direction of the officers in charge of the several divisions above mentioned upon receipts or certificates from the officers inspecting and receiving such supplies, prepared in such form and attested in such manner as may be prescribed by the Quartermaster-General.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Quartermaster-General to establish depots, from time to time, at places convenient to the principal armies in the field, for receiving and distributing the supplies necessary for such armies, and for the detachments, posts, and hospitals most accessible to such depots; and the business of inspecting, weighing, measuring, and receiving supplies for such armies, detachments, posts, and hospitals, and of giving receipts or certificates therefor to the persons furnishing such supplies, shall be carried on as far as practicable at such depots; but the Quartermaster-General, or the heads of the several divisions above mentioned, may cause such supplies to be sent from the place of purchase directly to the quartermasters of the commands for whose use they are procured, in any cases where it may be more economical or advantageous so to do; and in cases where horses, mules, clothing, or camp and garrison equipage may be so sent, suitable and competent inspectors shall be sent to examine the same before they shall be issued and receipted for.

SEC. 4. *And be it further enacted*, That when an emergency shall exist requiring the immediate procurement of supplies for the necessary movements and operations of an army or detachment, and when such supplies cannot be procured from any established depot of the Quartermaster's Department, or from the head of the division charged with the duty of furnishing such supplies, within the required time, then it shall be lawful for the commanding officer of such army or detachment to order the chief quartermaster of such army or detachment to procure such supplies during the continuance of such emergency, but no longer, in the most expeditious manner, and without advertisement; and it shall be the duty of such quartermaster to obey such order; and his accounts of the disbursement of moneys for such supplies shall be accompanied by the order of the commanding officer as aforesaid, or a certified copy of the same, and also by a statement of the particular facts and circumstances, with their dates, constituting such emergency.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Quartermaster-General, immediately after the passage of this act, and at least once in every month thereafter, to require from the principal quartermasters of the several military departments and depots approximate statements of the aggregate amount of supplies on hand, and estimates of the additional amounts required for the service for the ensuing month, stating at what places such supplies will be required, and what amounts are legally contracted for but not yet delivered. And it shall be the duty of the heads of the several divisions above mentioned to cause to be made purchases or contracts for the supplies which the Quartermaster-General may estimate to be

necessary in accordance with law; and all quartermasters shall forthwith report to the Quartermaster-General, to be referred to the heads of the several divisions above mentioned, all contracts not yet fulfilled which they may have executed on behalf of the United States, and all proposals which they may have received in answer to advertisements for future supplies; and shall hereafter regularly report to the Quartermaster-General copies of all contracts made and all proposals received for supplies of any kind to be furnished. If any quartermaster shall neglect or refuse, for the space of one month, to report to the Quartermaster-General any such contract or proposal, such neglect or refusal shall be deemed *prima facie* evidence of fraud, and the pay of such quartermaster shall be stopped until he shall have made a satisfactory explanation to the Secretary of War of such neglect or refusal.

SEC. 6. *And be it further enacted*, That all inspectors of horses, mules, clothing, fuel, forage, lumber, hired transports, and other supplies of the Quartermaster's Department, shall be sworn (or affirmed) to perform their duties in a faithful and impartial manner; and shall, for any corruption, willful neglect, or fraud in the performance of their duties, be liable to punishment by fine and imprisonment by sentence of court-martial or military commission. And if any contractor or person furnishing such supplies or transportation shall give, or offer to give, to any inspector of such supplies or transportation, or to any other person for his use, directly or indirectly, any money or other valuable consideration, such person giving, or offering to give, such money or other valuable consideration, shall forfeit to the United States the full amount of his contract or contracts with the United States, and the name and offense of such person shall be published in general orders, and also in our newspaper of general circulation nearest to his place of residence.

SEC. 7. *And be it further enacted*, That the provisions of the sixteenth section of the act entitled "An act to define the pay and emoluments of certain officers of the Army, and for other purposes," approved July seventeen, eighteen hundred and sixty-two, shall apply to all persons engaged in executing the contracts therein referred to, whether as agents of such contractors or as claiming to be assignees thereof, or otherwise, and to all inspectors employed by the United States for the inspection of subsistence, clothing, arms, ammunition, munitions of war, or other description of supplies for the Army or Navy of the United States: *Provided*, That any person arrested to answer charges for a violation of the provisions of this section, or of the act to which it is in addition, shall be admitted to bail for his appearance to answer the charges made against him before any court-martial constituted to try him, in such sum and with such sureties as shall be designated and approved by the judge of the district court of the district in which the arrest is made or the offense is charged to have been committed, or any commissioners appointed by such court.

SEC. 8. *And be it further enacted*, That if any contractor or person furnishing supplies or transportation shall give, or offer to give, or cause to be given, to any officer or employé of the Quartermaster's Department having charge of the receipt or disposition of the supplies or transportation furnished by him, or in any way connected therewith, any money or other valuable consideration, directly or indirectly, all contracts and charters with such person shall, at the option of the Secretary of War, be null and void; and if any officer or employé of the Quartermaster's Department shall knowingly accept any such money or other valuable consideration from such person, he shall be deemed guilty of malfeasance, and shall be punished by fine or imprisonment, or both, as a court-martial or military commission may direct.

SEC. 9. *And be it further enacted*, That whenever it shall become necessary to purchase any steam or sailing vessel for the use of the Quartermaster's Department, the same shall be first inspected by one or more competent naval officers, detailed in accordance with the provisions of the "Act authorizing the detail of naval officers for the service of the War Department," approved February twelfth, eighteen hundred and sixty-two; and all steam vessels shall be inspected by an officer skilled in the construction and operation of steam machinery, in addition to the other usual inspection of such vessels: *Provided*, That the provisions of this section shall not apply to steam-boats or other vessels on the Western rivers; but such river steam-boats or vessels shall be so inspected by competent builders, to be designated for that purpose.

SEC. 10. *And be it further enacted*, That the officers placed in charge of the several divisions provided for by the first section of this act shall, during the time that they remain in such charge, each have the rank, pay, and emoluments of a colonel in the Quartermaster's Department: *Provided*, That the Quartermaster-General may, with the approval of the Secretary of War, from time to time, and according to the necessities of the public service, change the distribution of duties among them; and all such changes shall be forthwith published in general orders of the War Department.

SEC. 11. *And be it further enacted, That during the continuance of the present rebellion, the Secretary of War may assign to duty, as inspectors of the Quartermaster's Department, six officers, to be selected from the regular and volunteer officers of that staff corps who have served not less than one year, who shall have, while so assigned and acting, the temporary rank, pay, and emoluments of colonels of the Quartermaster's Department; and also, when in his judgment it is necessary, may assign to each army in the field consisting of more than one army corps, and to each military department, and to each principal depot, not exceeding ten in number at any one time of the Quartermaster's Department, an officer to act as chief or senior quartermaster of said army, military department, or depot, who shall have, while so assigned, the temporary rank, pay, and emoluments of a colonel of the Quartermaster's Department; and also to assign to each division of two or more brigades a quartermaster as division quartermaster, who, while so assigned and acting, shall have the temporary rank, pay, and emoluments of a major of the Quartermaster's Department: *Provided, That when any of said officers is relieved from such duty, his temporary rank, pay, and emoluments shall cease, and he shall return to his lineal rank in the department: And provided further, That when within the limits of any military department there shall be not more than one army corps, then the chief quartermaster of the army corps shall perform also the duties of the department quartermaster.**

SEC. 12. *And be it further enacted, That at least two-thirds of all the officers of each grade or assigned rank provided for under the provisions of this act shall be selected from among quartermasters of the volunteer service.*

SEC. 13. *And be it further enacted, That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.*

Approved July 4, 1864.

* * * * *

VI. PUBLIC RESOLUTION—No. 39.

JOINT RESOLUTION amendatory of "An act to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department or Department of Missouri."

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That when any person or persons holding any power of attorney or assignment executed subsequent to August sixteenth, eighteen hundred and sixty-three, and prior to January twenty-second, eighteen hundred and sixty-four, for the sum adjudged due to any officer or soldier by the commissioners appointed under joint resolution approved February sixteenth, eighteen hundred and sixty-three, shall have paid any money to any officer or soldier on the faith of such power of attorney or assignment, that the paymaster appointed to disburse the funds appropriated by the act approved January twenty-second, eighteen hundred and sixty-four, to provide for the deficiency in the appropriation for the pay of officers and men actually employed in the Western Department or Department of Missouri, be, and he is hereby, authorized and directed to pay to such person or persons the amount thus paid to any officer or soldier, upon such attorney or assignee making and filing an affidavit to the effect that the amount was actually paid to said officer or soldier, and upon the paymaster being satisfied that the amount was actually paid; and the amount paid such attorney or assignee under this resolution shall be deducted from the amount due said officer or soldier, anything in any previous action of Congress to the contrary notwithstanding.

Approved June 25, 1864.

VII. PUBLIC RESOLUTION—No. 45.

JOINT RESOLUTION to provide for the publication of a full Army Register.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required, in connection with the Army Register for the year eighteen hundred and sixty-four, to cause to be printed and published a full roster or roll of all field, line, and staff officers of volunteers who have been in the Army of the United States since the beginning of the present rebellion, showing whether they are yet in the service, or have been discharged therefrom, and giving casualties and other explanations proper for such a register. And to defray, in whole or in part, the (the) expenses of this publication, an edition of fifty

thousand copies of such enlarged register shall be published, and may be sold to officers, soldiers, or citizens, at a price which shall not more than cover the actual cost of paper, printing, and binding, and shall not in any case exceed one dollar per volume.

Approved June 30, 1864.

* * * * *

X. PUBLIC RESOLUTION—No. 56.

A RESOLUTION explanatory of an act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the word "musicians," in the first section of an act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes," approved June twentieth, eighteen hundred and sixty-four, is not to be construed to include musicians (other than leaders) employed as members of brigade and regimental bands; but such members of bands shall be paid as heretofore, one-fourth of the members of each band thirty-four dollars per month, one-fourth of them twenty dollars per month, and the remaining half of them seventeen dollars per month.

Approved July 2, 1864.

XI. PUBLIC RESOLUTION—No. 57.

A RESOLUTION to increase the compensation of matrons in the hospitals.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of July, eighteen hundred and sixty-four, hospital matrons shall be entitled to, and shall receive, ten dollars per month and one ration.

Approved July 4, 1864.

XII. PUBLIC RESOLUTION—No. 60.

JOINT RESOLUTION explanatory of a joint resolution relative to pay of staff officers of the Lieutenant-general.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution relative to pay of staff officers of the Lieutenant-general, approved May twenty, eighteen hundred and sixty-four, shall be so construed as to entitle all the staff officers on the staff of the lieutenant-general to receive the pay, emoluments, and allowances of cavalry officers of the same grade.

Approved July 4, 1864.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

STATE-HOUSE, Augusta, Me., July 18, 1864.

Hon. E. M. STANTON:

The property of the Government at Fort Popham, at the mouth of the Kennebec River, is exposed to capture, and could be captured by men. There are two guns mounted. No ammunition or artillorists. This constitutes the defense of the mouth of the Kennebec River. Bath is ten miles from the mouth. There is more than a million dollars' worth of shipping on the stocks, and another million at the wharves there. The citizens are very uneasy at their defenseless condition. I wish authority to raise a company for defense, and that it may be mustered into the service of the United States, for the specific purpose of manning the garrison at Fort Popham and the defense of Bath. It ought to be done at once.

S. CONY,
Governor of Maine.

WAR DEPARTMENT,
Washington City, July 18, 1864.

Governor CONY,
Augusta, Me.:

You are authorized to raise one or more companies for the specific purpose of garrisoning Fort Popham and for the defense of Bath. Orders will be issued for mustering in, and supplying with arms, ammunition, and other needful supplies. Similar authority will be given you for raising the force which, in your judgment, may be needed for the defense of any other exposed points in your State, upon your application. Every facility and assistance in the power of the General Government will be afforded for the above purpose, and the Department is under obligation to you for giving the matter your vigilant attention.

EDWIN M. STANTON,
Secretary of War.

BOSTON, MASS., July 18, 1864.

HIS EXCELLENCY A. LINCOLN,
President of the United States:

I trust your call for volunteers will be for 200,000 at a time repeating the calls until you have a half million called. In fifty days they are impossible, then you must draft. Calling by installments gives the needful time; meanwhile the present campaign does not suffer more, since no new draft will help this campaign. I shall send five regiments of 100-days' men, beginning with two this week. We proceed deliberately to organize better, which is for the public good, since the term does not begin until regimental organizations are complete.

JOHN A. ANDREW,
Governor of Massachusetts.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 18, 1864.

Hon. THOMAS D. ELIOT, M. C.,
New Bedford, Mass.:

SIR: Mr. I. Crowell has furnished me with a copy of the Yarmouth Register, of July 1, publishing letters from Governor Andrew, yourself, and Mr. Crowell in relation to the draft. It seems to me that your letter is not only calculated to do injustice to the War Department, but also to promote dissatisfaction among the people and increase the difficulties which necessarily attend the enforcement of the laws of Congress in reference to raising troops, and thus embarrass the Government, which I presume you intend to support. You say you are doing all in your power to protect your people from the unjust operations of the draft. You say further that, although justice ought to be done, and you are using all your "arguments" for it, you only "hope" it may be secured, and that you may not be able to have your own way about it. You then announce that the "War Department is a difficult one to satisfy when the draft is made," and that "they ought, however, to construe the law fairly," and you close by saying to your people "certainly I shall do all I can for you," &c.

I do not wish to comment further on this communication than to file a pretest against the character for unfairness, injustice, and

oppression you are pleased, directly or by insinuation, to attribute to my branch of the War Department. I do not think there is any sufficient cause for your presenting a branch of the War Department to your people as an unfair and unjust institution against which you were, with doubtful prospects of success, using all your arguments to "protect them." That such is the effect of your letter I think must be admitted.

Law and justice require that each and every section of country should furnish its proportional amount of military service. If your arguments and the case upon which they were presented are carefully and disinterestedly studied, I think it will be found that they are calculated, if not intended, to relieve your district from its fair share of military service instead of protecting it against injustice and unfairness on the part of the War Department, and this in connection with the last sentence of your letter, "I shall do all I can for you," will, I fear, be construed by the ungenerous as indicating a subordination of great interests to local influences. Must not the great cause and the Government suffer by being presented to the people by a professed friend, in the manner you have presented them in this letter to your constituents?

I am, sir, very respectfully, your obedient servant,

JAS. B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 18, 1864.

Governor BROUGH,
Columbus, Ohio:

Your dispatch of 14th to Secretary of War about suspending draft is received. It has already been answered by my dispatch to Colonel Potter, dated July 16, which please see.

JAMES B. FRY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 18, 1864.

Governor BROUGH,
Columbus, Ohio:

Dispatch of 14th to Secretary of War received. New call for 500,000 troops is made to-day. If you feel satisfied you can complete a regiment of representative recruits promptly it may be undertaken. Present this to Colonel Potter as an order to have provost-marshals concentrate these recruits at points suitable for organization.

JAMES B. FRY,
Provost-Marshal-General.

COLUMBUS, OHIO, *July 18, 1864.*

General JAMES B. FRY,
Provost-Marshal-General:

Recruiting in rebel States must be done by sub-districts. Can I allow one agent to each Congressional district in the State requiring parties to agree upon their agent and ask no more? Answer prompt. I am pressed on the subject.

JOHN BROUGH.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 18, 1864.

Governor BROUGH,
Columbus, Ohio:

General Orders, No. 227, of July 9, announce rules for recruiting in rebel States. Copies have already been sent you, but I send another by mail to-day.

JAMES B. FRY,
Provost-Marshal-General.

GENERAL ORDERS, } WAR DEPT., ADJT. GENERAL'S OFFICE,
No. 232. } Washington, July 10, 1864.

For five hundred thousand volunteers.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Whereas, by the act approved July fourth, eighteen hundred and sixty-four, entitled "An act further to regulate and provide for the enrolling and calling out the national forces, and for other purposes," it is provided that the President of the United States may, "at his discretion, at any time hereafter, call for any number of men, as volunteers, for the respective terms of one, two, and three years for military service," and "that in case the quota of [or] any part thereof, of any town, township, ward of a city, precinct, or election district, or of a county not so subdivided, shall not be filled within the space of fifty days after such call, then the President shall immediately order a draft for one year, to fill such quota, or any part thereof, which may be unfilled;"

And whereas, the new enrollment heretofore ordered is so far completed as that the aforementioned act of Congress may now be put in operation for recruiting and keeping up the strength of the armies in the field, for garrisons, and such military operations as may be required for the purpose of suppressing the rebellion and restoring the authority of the United States Government in the insurgent States:

Now, therefore I, Abraham Lincoln, President of the United States, do issue this my call for five hundred thousand volunteers for the military service; provided, nevertheless, that this call shall be reduced by all credits which may be established under section eight of the aforesaid act, on account of persons who have entered the naval service during the present rebellion, and by credits for men furnished to the military service in excess of calls heretofore made.*

Volunteers will be accepted under this call for one, two, or three years, as they may elect, and will be entitled to the bounty provided by the law for the period of service for which they enlist.

And I hereby proclaim, order, and direct that, immediately after the fifth day of September, eighteen hundred and sixty-four, being fifty days from the date of this call, a draft for troops to serve for one year shall be had in every town, township, ward of a city, precinct, or election district, or county not so subdivided, to fill the quota which shall be assigned to it under this call, or any part thereof which may be unfilled by volunteers on the said fifth day of September, eighteen hundred and sixty-four.

* Under this call the quotas (reduced by excess of credits on previous calls) and credits were as follows, the first number indicating the quota and the second the number of men furnished: Maine, 11,110; 11,043. New Hampshire, 4,048; 5,078. Vermont, 2,005; 3,971. Massachusetts, 21,005; 31,739. Rhode Island, 1,423; 2,310. Connecticut, 5,593; 10,855. New York, 77,599; 83,838. New Jersey, 14,431; 15,108. Pennsylvania, 49,909; 55,633. Delaware, 2,184; 2,175. Maryland, 10,947; 10,285. District of Columbia, 3,389; 2,318. West Virginia, 2,717; 1,956. Kentucky, 9,371; 15,300. Ohio, 27,001; 30,323. Michigan, 12,008; 12,599. Indiana, 25,002; 25,854. Illinois, 21,997; 15,419. Missouri, 25,599; 23,507. Wisconsin, 17,599; 16,823. Iowa, 5,749; 4,223. Minnesota, 4,018; 3,235. Kansas (no quota), 951. Making a grand total of 385,169 men furnished. Of these there were for one year, 323,044; two years, 8,340; three years, 159,319; four years, 790.

In testimony whereof I have herunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this eighteenth day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth.

[L. S.]

By the President:

ABRAHAM LINCOLN.

WILLIAM H. SEWARD,
Secretary of State.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

[JULY 19, 1864.—For General Orders, No. 233, Adjutant-General's Office, publishing proclamation of President Lincoln of July 5, suspending writ of habeas corpus, and establishing martial law in Kentucky, see Series I, Vol. XXXIX, Part II, p. 180.]

CIRCULAR } WAR DEPT., ADJUTANT-GENERAL'S OFFICE,
No. 52. } *Washington, July 19, 1864.*

The following regulations are announced for the information and guidance of all concerned:

REPORTS OF CREDITS.

I. It is hereby made the special duty of acting assistant provost-marshals-general of States to secure and arrange all the credits due to the different districts and sub-districts under their control, and to see that under calls made in accordance with the act approved July 4, 1864, the draft commences immediately after the expiration of the fifty days prescribed in that act for raising volunteers.

To enable the acting assistant provost-marshals-general of States to conform to the above, it is hereby ordered that hereafter, commencing with the 1st of August next, every U. S. mustering officer shall forward direct to the acting assistant provost-marshal-general of the State, to which men mustered by him are to be credited, duplicates of the tri-monthly and monthly reports of musters which he is required to render to the Adjutant-General of the Army. For enlistments in the Regular Army, superintendents of recruiting service for the Regular Army are charged with what is prescribed above for mustering officers.

The form of the report, herunto attached,* will be that which commissaries of musters, their assistants, and chief mustering officers for rendezvous in rebel States will use.

The reports will be made up and rendered as follows:

1. Commissaries of musters for army corps will report for their respective corps by consolidating the reports rendered to them by their assistant commissaries.

2. Commissaries of musters for military districts or departments will report for the same by consolidating the reports of their assistants. They will not, however, include or embrace any of the musters reported, as required in the foregoing, by corps commissaries.

3. The chief mustering officer for each of the rendezvous established for recruits from rebel States (see General Orders, No. 227,

* Omitted.

current series, from this office) will report for his rendezvous by consolidating the reports of his assistants. In rendering his reports he will be careful not to embrace musters that do not pertain to his rendezvous.

4. Superintendents of recruiting service for the Regular Army will report by consolidating the reports of the officers acting under their orders, respectively.

5. Mustering officers throughout the loyal States, and all other officers not herein especially mentioned, who are authorized to make musters, will continue to render reports, as heretofore required, direct to the acting assistant provost-marshal-general of the State to which the credits are to be given.

MUSTER-IN ROLLS.

II. Commissaries of musters and chief mustering officers throughout the United States will take especial pains to see that rolls from all officers making musters under them are promptly examined, corrected, and forwarded, and the four copies disposed of as directed by the Mustering Regulations, except that the copy for the adjutant-general of each State will be sent through the acting assistant provost-marshal-general for that State, for his use in verifying the report of credits.

The acting assistant provost-marshal-general will, as soon as possible, extract from these rolls the necessary data and turn them over to the adjutant-general of the State.

The attention of all officers making musters into the service of the United States is invited to the orders of this Department requiring that every man so mustered in should have the authorized organization to which he belongs designated on his muster-in rolls. Transfers from one regiment or company to another are in violation of the orders of the Department, and will in no case be sanctioned.

III. All recruiting officers for the Navy and Marine Corps will, in accordance with orders issued by the Navy Department, report direct to the acting assistant provost-marshal-general of the State to which credits are due, for men enlisted by them.

GENERAL REMARKS.

IV. 1. In States where there is more than one acting assistant provost-marshal-general, as in New York and Pennsylvania, the reports and rolls will be sent to the one at the State capital, and the credits for the divisions of the State will be separated and reported by him.

2. No provision herein contained shall be understood to discontinue any reports or returns heretofore required, except the weekly reports of re-enlisted veterans, which, under section I, are to be rendered tri-monthly.

3. In making up their monthly and tri-monthly reports for this office chief mustering officers will not embrace in them the reports of commissaries of musters of corps, departments, or districts, nor the reports for the Regular Army, but will include credits for the Navy and Marine Corps, crediting them separately from the recruits for the Army.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant-General.

CIRCULAR { WAR DEPT., PROV. MAR. GENERAL'S OFFICE,
No. 27. } Washington, D. C., July 19, 1864.

The following instructions and regulations will be observed by all concerned:

ENLISTMENTS.

I. Under the President's call of July 18, 1864, for 500,000 volunteers, men will be enlisted and mustered in for one, two, or three years, as they may in each case elect.

BOUNTIES.

II. The bounty provided by law is as follows:

For recruits, including representative recruits (white or colored)—for one year, \$100; for two years, \$200; for three years, \$300.

The first installments of bounty will be paid by the mustering and disbursing officers when the recruit is mustered in, as follows:

To a recruit who enlists in the Army for one year, \$33.33; for two years, \$66.66; for three years, \$100.

PREMIUMS.

III. No premiums whatever for the procurement of recruits will hereafter be paid by the United States. This, however, will not affect the payment of premiums due for the procurement of recruits previous to the date of this order.

IV. Neither drafted men nor substitutes, furnished either before or after draft, are entitled to bounty from the United States. The fact as to whether the man is a recruit entitled to bounty, or a drafted man or substitute not entitled to it, shall be noted on the enlistment papers and muster-in rolls.

JAMES B. FREY,
Provost-Marshal-General.

WAR DEPT., PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 19, 1864.

Maj. J. W. T. GARDINER,
Actg. Asst. Provost-Marshal-General, Augusta, Me.:

MAJOR: I am directed by the Provost-Marshal-General to inform you that the quota of the State of Maine under the call of the President for 500,000 men, of date July 18, 1864, is 11,690.

The quotas of the different Congressional districts have been calculated under the enrollment recently completed, without regard to any excess or deficiency the State may have on former calls, and are as follows: First District, 2,472; Second District, 2,073; Third District, 2,475; Fourth District, 2,173; Fifth District, 2,497.

This quota you will divide pro rata among the different sub-districts, and the quota of each will be reduced by any excess it may now have over all calls heretofore made, or increased by its deficiency on such calls, as the case may be.

You will embody this quota on your next monthly return of quotas and credits to this office, and will keep strict account with each sub-district.

I am, sir, very respectfully, your obedient servant,

T. A. DODGE,
Capt., Vet. Reserve Corps, in Charge of Enrollment Bureau.

ers similar to the foregoing sent to the acting assistant provost-general of the following named States:

State.	Quota.	State.	Quota.
Alabama.....	9,592	West Virginia.....	5,028
Arkansas.....	5,164	Kentucky.....	23,608
California.....	21,970	Ohio.....	50,793
Colorado.....	3,107	Michigan.....	18,382
Connecticut.....	10,421	Indiana.....	35,738
Delaware.....	89,318	Illinois.....	52,067
District of Columbia.....	15,499	Missouri.....	25,474
Florida.....	51,780	Wisconsin.....	19,032
Georgia.....	2,445	Iowa.....	15,784
Idaho.....	12,328	Minnesota.....	5,591
Illinois.....	2,010	Kansas.....	9,723

notes reduced by excess of credits on previous calls see footnote, p. 515.)

COLUMBUS, *July 19, 1864.*

M. STANTON:

I confer, officially, your verbal authority to me to raise twenty regiments under the call just issued. This will not fill our vacant ranks. Please answer by telegraph.

JNO. BROTHGILL.

PROVOST-MARSHAL-GENERAL'S OFFICE,
Washington, D. C., July 19, 1864.

Gen. JAMES B. FRY,
Provost-Marshal-General United States:

SIR: I have the honor to report that in obedience to Special Order No. 239, current series, from Adjutant-General's Office, I left New York for Harrisburg, Pa., at 8.30 p. m. on Saturday, the 16th inst., to make an inspection and report with regard to certain of the 100-days' troops called for from Pennsylvania and especially to in the following telegram, viz:

HARRISBURG, *July 16, 1864.*

6 LINCOLN:

Send General Fry or some other officer here of common sense, with authority to muster men into service as they come. There are about 2,000 here who cannot get subsistence, and some have gone. Colonel Boniford must muster unless all the forms of his orders are complied with. Evil dispositions are using this to the injury of the Government among the soldiers, and as this is corrected at once bad impressions will be carried over the State.

SIMON CAMERON.

Northern Central Railway not being in running order, I proceeded to Philadelphia, where I arrived at about 7 o'clock on Sunday morning, the 17th instant. From thence I proceeded, at 10.30 p. m. on Sunday evening, and arrived at Harrisburg at 4 a. m. on Monday, the 18th instant. I annex hereto, marked A to F, inclusive, copies of correspondence between the War Department and the State and Federal Government authorities in Pennsylvania with regard to the raising of 12,000 100-days' men and the manner of mustering, equipping, and equipping the same. This correspondence was forwarded for my information from the offices of the Adjutant-General and Provost-Marshal-General.